

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Page 1**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF COLUMBIA  
3                   )  
4       STATE OF TEXAS,                   )  
5                   )  
6       Plaintiff,                   )  
7                   )  
8       VS.                   )  
9                   )  
10                   ) CASE NO: 1:11-CV-00128  
11                   ) RMC-DST-RLW  
12       ERIC H. HOLDER, JR., IN                   )  
13       HIS OFFICIAL CAPACITY AS                   )  
14       ATTORNEY GENERAL OF THE                   )  
15       UNITED STATES,                   )  
16                   )  
17       Defendant,                   )  
18                   )  
19       ERIC KENNIE, ET AL.,                   )  
20                   )  
21       Defendant-Intervenors,                   )  
22                   )  
23       TEXAS STATE CONFERENCE OF                   )  
24       NAACP BRANCHES, ET AL.,                   )  
25                   )  
26       Defendant-Intervenors,                   )  
27                   )  
28       TEXAS LEAGUE OF YOUNG                   )  
29       VOTERS EDUCATION FUND, ET                   )  
30       AL.,                   )  
31                   )  
32       Defendant-Intervenors,                   )  
33                   )  
34       TEXAS LEGISLATIVE BLACK                   )  
35       CAUCUS, ET AL.,                   )  
36                   )  
37       Defendant-Intervenors,                   )  
38                   )  
39       VICTORIA RODRIGUEZ, ET                   )  
40       AL.,                   )  
41                   )  
42       Defendant-Intervenors.                   )  
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**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 2..5**

|  |   |
|--|---|
| <b>Page 2</b>  | <b>Page 4</b>   |
| <p>*****</p> <p align="center">ORAL DEPOSITION OF<br/> GERMAINE MARY MARTINEZ<br/> APRIL 17, 2012</p> <p>*****</p> <p>ORAL DEPOSITION OF GERMAINE MARY MARTINEZ, produced as a witness at the instance of the Defendant Intervenor Texas State Conference of NAACP Branches and the Mexican American Legislative Caucus of the Texas House of Representatives, and duly sworn, was taken in the above-styled and numbered cause on Tuesday, April 17, 2012, from 9:29 a.m. to 11:14 a.m., via telephone, before Tamara K. Chapman, CSR in and for the State of Texas, reported by machine shorthand, at the State House, 209 West 14th Street, Ground Floor, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</p>   | <p>FOR DEFENDANT INTERVENORS TEXAS STATE CONFERENCE OF NAACP BRANCHES AND THE MEXICAN AMERICAN LEGISLATIVE CAUCUS OF THE TEXAS HOUSE OF REPRESENTATIVES (CONTINUED):</p> <p>Ms. Lindsey Stelcen<br/> DECHERT, LLP<br/> 300 West 6th Street, Suite 2010<br/> Austin, Texas 78701<br/> lindsey.stelcen@dechert.com</p> <p>Mr. Robert Kengle (telephonically)<br/> Mr. Mark Posner (telephonically)<br/> LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER THE LAW<br/> 1401 New York Avenue, N.W., Suite 400<br/> Washington, D.C. 20005<br/> bkengle@lawyerscommittee.org<br/> mposner@lawyerscommittee.org</p> <p>FOR THE TEXAS LEAGUE OF YOUNG VOTERS EDUCATION FUND:<br/> Mr. Gregory K. Johnson (telephonically)<br/> FRIED, FRANK, HARRIS, SHRIVER &amp; JACOBSON, LLP<br/> 801 17th Street NW,<br/> Washington, DC 20006<br/> gregory.johnson@friedfrank.com</p> <p>FOR THE DEPARTMENT OF PUBLIC SAFETY:<br/> Kathleen T. Murphy<br/> TEXAS DEPARTMENT OF PUBLIC SAFETY<br/> Office of General Counsel<br/> 5805 N. Lamar Boulevard<br/> Austin, Texas 78773<br/> kathleen.murphy@txdps.state.tx.us</p> <p>FOR VICTOR RODRIGUEZ, NICOLE RODRIGUEZ, SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT, MI FAMILIA VOTA EDUCATION FUND:<br/> Ms. Nina Perales<br/> MALDEF<br/> 110 Broadway, Suite 300<br/> San Antonio, Texas 78205<br/> nperales@maldef.org</p> |
| <b>Page 3</b>  | <b>Page 5</b>   |
| <p align="center">A P P E A R A N C E S</p> <p>FOR THE PLAINTIFF STATE OF TEXAS:<br/> Mr. Patrick Sweeten<br/> Mr. Reynolds Brissenden<br/> ATTORNEY GENERAL OF TEXAS<br/> Civil Medicaid Fraud Division<br/> 300 W. 15th Street<br/> Austin, Texas<br/> patrick.sweeten@oag.state.tx.us<br/> reynolds.brissenden@oag.state.tx.us</p> <p>FOR TEXAS NAACP STATE CONFERENCE AND THE MEXICAN AMERICAN LEGISLATIVE CAUCUS:<br/> Ms. Myrna Pérez (telephonically)<br/> BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW<br/> 161 Avenue of the Americas, 12th Floor<br/> New York, New York 10013<br/> myrna.perez@nyu.edu</p> <p>FOR THE DEFENDANT ERIC H. HOLDER, JR., IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE UNITED STATES:<br/> Ms. Elizabeth S. Westfall (telephonically)<br/> Mr. Daniel J. Freeman (telephonically)<br/> U.S. DEPARTMENT OF JUSTICE<br/> Voting Section, Civil Rights Division<br/> 950 Pennsylvania Ave. NW, NWB Room 7202<br/> Washington, DC 20530<br/> elizabeth.westfall@usdoj.gov<br/> daniel.freeman@usdoj.gov</p> <p>FOR DEFENDANT INTERVENORS TEXAS STATE CONFERENCE OF NAACP BRANCHES AND THE MEXICAN AMERICAN LEGISLATIVE CAUCUS OF THE TEXAS HOUSE OF REPRESENTATIVES:<br/> Mr. Ezra D. Rosenberg (telephonically)<br/> DECHERT, LLP<br/> 902 Carnegie Center, Suite 500<br/> Princeton, New Jersey 08540-6531<br/> ezra.rosenberg@dechert.com</p> | <p>ALSO PRESENT:<br/> Mr. Steven Kolbert (telephonically) - Law Clerk</p> <p>Mr. Russell Weaver (telephonically) - Social Scientist</p>   |

Page 9

1 whether or not to listen to the attorney's advice.  
2 Any questions from me before we proceed?  
3 A. No, sir, I don't have anything right now.  
4 Q. Okay. Thanks.  
5 The first thing I'd like you to do is --  
6 MR. ROSENBERG: Lindsey, if you can have the  
7 notice of the deposition marked as Exhibit 1, please.  
8 (Intervenor Exhibit 1 was marked.)  
9 Q. (BY MR. ROSENBERG) And before I show you that  
10 exhibit, just for the record, your full name is Germaine  
11 Martinez?  
12 A. I do have a middle name, Marie.  
13 Q. What is -- where do you work right now?  
14 A. I work for the Texas Department of Public Safety.  
15 Q. And what's your present title?  
16 A. Deputy administrator.  
17 Q. And what are your duties?  
18 A. I work for the driver's license division in a --  
19 in a technology and solutions service of that division  
20 where I work on changes or updates or corrections to our  
21 current DLS system, our driver's license system. And I  
22 also supervise 11 employees where I -- they do the testing  
23 if we're making any changes to the system and doing that  
24 type of project management.  
25 Q. And for how long have you been in the position of

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 10..13**

| Page 10   | Page 12   |
|---|---|
| <p>1 deputy administrator?</p> <p>2 A. I've been AN deputy administrator for three years</p> <p>3 now.</p> <p>4 Q. And before that were you also in the driver's</p> <p>5 license division and technology?</p> <p>6 A. No, I wasn't in the driver's license division. I</p> <p>7 worked in our Texas online at the time. Our Texas.gov for</p> <p>8 the web services for the applications that DPS has for the</p> <p>9 driver's license division.</p> <p>10 Q. And how long did you do that?</p> <p>11 A. For approximately five years.</p> <p>12 Q. And before that were you also with the driver's</p> <p>13 license division?</p> <p>14 A. Yes. My entire career has been with driver's</p> <p>15 license. So --</p> <p>16 Q. When -- go ahead.</p> <p>17 A. Prior to that position, I was a program -- I'm</p> <p>18 trying to think of what my title was. It was a program</p> <p>19 administrator where I was a supervisor in our enforcement</p> <p>20 and compliance division.</p> <p>21 Q. Okay. Now, I'd like you to, if you can take a</p> <p>22 look at what's been marked as Exhibit 1, which is the</p> <p>23 defendant intervenor's deposition of the State of Texas</p> <p>24 regarding Texas' database system.</p> <p>25 A. Okay.</p>                                     | <p>1 Q. Are you -- were you involved in the production of</p> <p>2 the DLS, Driver's License System Data Dictionary for the</p> <p>3 parties in this case?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And what was the nature of your participation?</p> <p>6 A. I e-mailed the file to my supervisor.</p> <p>7 Q. And who is your supervisor?</p> <p>8 A. Enrique Gomez.</p> <p>9 Q. And when you said you e-mailed the file, did you</p> <p>10 participate in the generation of the file?</p> <p>11 A. The file is a -- is a Word document. So I've</p> <p>12 been involved in the review of that whenever changes were</p> <p>13 made to it or we've added information, taken information</p> <p>14 out. So in that sense, yes.</p> <p>15 Q. Were you -- were you also involved in the</p> <p>16 production of the database of the DLS in this case?</p> <p>17 A. The only information that I know of is I was</p> <p>18 asked a couple of questions about what particular --</p> <p>19 certain questions about a field and what that field meant.</p> <p>20 But other than that, I was not involved in it.</p> <p>21 Q. All right. So let me see if I have this</p> <p>22 straight. Who was involved in the production of the</p> <p>23 database within the DLS?</p> <p>24 A. The only one I'm aware of is my supervisor,</p> <p>25 Enrique, he's the one that asked me a couple of questions.</p> |
| Page 11   | Page 13   |
| <p>1 Q. Have you seen this document before?</p> <p>2 A. Yes.</p> <p>3 Q. And you've been produced by the State as a person</p> <p>4 who has the ability and experience to testify in certain</p> <p>5 areas that we've described in Exhibit 1. And I'd like to</p> <p>6 turn your attention to Page 3, Roman numeral I, which is</p> <p>7 subcaptioned: Information contained in Texas's driver's</p> <p>8 license system.</p> <p>9 Do you see that?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And going through those -- that subject --</p> <p>12 caption and the parts underneath it, would you tell me</p> <p>13 whether you do have the experience and expertise to -- and</p> <p>14 the experience to testify and knowledge to testify in each</p> <p>15 of these areas?</p> <p>16 A. Yes, sir, I do.</p> <p>17 Q. And looking at Roman numeral II, "Relationship of</p> <p>18 Texas's DLS to the 'Live-Check' Database," do you have an</p> <p>19 understanding as to what "Live-Check" Database means in</p> <p>20 connection with its relationship to DLS?</p> <p>21 A. No, sir, I don't. "Live-Check" is a new term to</p> <p>22 me.</p> <p>23 Q. Is there a term similar to "Live-Check" that</p> <p>24 would make sense in the context of Roman numeral II?</p> <p>25 A. No, sir.</p> | <p>1 Other than that, I'm not sure who actually provided it.</p> <p>2 Q. Do you recall the questions that he asked you?</p> <p>3 A. Not per verbatim, no.</p> <p>4 Q. Well, let's assume we're not looking for</p> <p>5 verbatim. Do you recall the fields that he questioned you</p> <p>6 about?</p> <p>7 A. No, I really don't. I mean -- to be honest, no,</p> <p>8 I don't.</p> <p>9 Q. Are you familiar with the entire DLS database,</p> <p>10 not simply that which was produced to the parties here,</p> <p>11 but the database as a whole?</p> <p>12 A. Yes, sir.</p> <p>13 MR. SWEETEN: Objection to form.</p> <p>14 Q. (BY MR. ROSENBERG) Can you tell me, generally</p> <p>15 speaking, the types of records that are captured by the</p> <p>16 database? And by that I mean are we talking -- well, let</p> <p>17 me be a little more specific so it's clear what we're</p> <p>18 talking about.</p> <p>19 Can you tell me the form of licenses that are</p> <p>20 covered by the database?</p> <p>21 A. Okay. We go by types of licenses. So there is a</p> <p>22 driver's license, an identification card, an occupational</p> <p>23 license that the system is able to issue.</p> <p>24 Q. Any others?</p> <p>25 A. Not dealing with driver's license, no.</p>  |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 14..17**

|  |   |
|--|---|
| <b>Page 14</b>   | <b>Page 16</b>  |
| 1 Q. How about learner's permits?                            | 1 topics. To the extent she has information related to that   |
| 2 A. Learner's permit, in our term, is considered a          | 2 question, I'm going to allow her to answer whether she      |
| 3 driver's license.  | 3 knows or not.   |
| 4 Q. And when you said ID card, what kind of ID card         | 4 A. No, I don't have those figures available to me           |
| 5 were you referring to?                                     | 5 right now.  |
| 6 A. Just the State-approved Texas identification            | 6 Q. (BY MR. ROSENBERG) Are those figures accessible?         |
| 7 card.  | 7 A. Yes.   |
| 8 Q. Are you familiar with the query that was done by        | 8 Q. And how would they be accessed?                          |
| 9 the State in order to produce that portion of the DLS      | 9 A. We would have to do a specific query to the              |
| 10 database that was produced to the parties in this case?   | 10 database to obtain that information.                       |
| 11 A. If you're referring to the same original one,          | 11 Q. By the way, do you know what software is used to        |
| 12 then, yes, to the extent that I answered previously. Any  | 12 make these queries?  |
| 13 other query that was done, I'm not aware of.              | 13 A. No, sir.  |
| 14 Q. And what query are you aware of?                       | 14 Q. Who would know that?                                    |
| 15 A. Just those few questions that my supervisor asked      | 15 A. One of our IT individuals.                              |
| 16 me about fields.  | 16 Q. I'd like you to give me an understanding of how         |
| 17 Q. Do you have an understanding of how many persons       | 17 information finds its way into the DLS. So just for        |
| 18 are in the DLS database?                                  | 18 starters, can you generally describe how information as to |
| 19 A. Yes. Approximately.                                    | 19 driver's license licensees finds its way into the          |
| 20 Q. And what is that understanding?                        | 20 database?  |
| 21 A. My understanding is that currently we have about       | 21 A. The information is obtained from an applicant           |
| 22 27 million persons in the database.                       | 22 when they apply to the department. And that information    |
| 23 Q. Does that cover -- that 27 million number cover        | 23 is self-reported and a technician enters that information  |
| 24 all three types of licenses , driver's license, ID card   | 24 into the system.   |
| 25 and occupational license?                                 | 25 Q. And how do people apply to the department? Is           |
| <b>Page 15</b>   | <b>Page 17</b>  |
| 1 A. Yes, sir.   | 1 there just one way or is there more than one way that the   |
| 2 Q. Do you have an understanding of how many persons        | 2 applications are made?                                      |
| 3 are in the database who have a driver's license as         | 3 A. For an original applicant, they have to apply in         |
| 4 compared to the ID card or the occupational license?       | 4 person at a driver's license office.                        |
| 5 MR. SWEETEN: I'm going to object to the                    | 5 Q. And for someone who is renewing?                         |
| 6 question. In fact, to the last set of questions. These     | 6 A. There are several options. They can apply in the         |
| 7 questions are outside of the corporate rep topics for      | 7 driver's license, they can apply if they meet certain       |
| 8 which she's designated. You've asked her how many people   | 8 standards through the web. And they can apply through the   |
| 9 are on it. I don't see that as a topic. You're now         | 9 mail.   |
| 10 asking her questions that are way outside the scope of    | 10 MR. ROSENBERG: Lindsey, can we have marked                 |
| 11 this notice that was presented to us on April 14th.       | 11 the DPS application as Exhibit 2, please.                  |
| 12 MR. ROSENBERG: Well, I disagree. I think                  | 12 (Intervenor Exhibit 2 was marked.)                         |
| 13 it's certainly covered within the -- several of the       | 13 Q. (BY MR. ROSENBERG) Ms. Martinez, I will show you        |
| 14 topics, including the data and information that is stored | 14 what's been marked as Exhibit 2. Can you identify that     |
| 15 on the data tables. But are you telling her not to answer | 15 for the record?  |
| 16 the question?   | 16 A. From my knowledge, this is the original                 |
| 17 MR. SWEETEN: Well, ask your question. Then                | 17 application form for a driver's license or identification  |
| 18 I'll instruct her accordingly.                            | 18 cards.   |
| 19 Q. (BY MR. ROSENBERG) The question I asked was, do        | 19 Q. Do you know how long this application form has          |
| 20 you have an understanding of how many persons are in the  | 20 been used by the DLS?                                      |
| 21 database who are driver's license holders as compared to  | 21 A. No, sir, not specifically.                              |
| 22 ID card holders as compared to occupational license       | 22 Q. Can you approximate how long it's been used?            |
| 23 holders?  | 23 MR. SWEETEN: You can answer if you know the                |
| 24 MR. SWEETEN: Okay. Again, I'm going                       | 24 answer to that question. Otherwise, asked and answered     |
| 25 interpose an objection. It's outside the corporate rep    | 25 objection.   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 18..21**

|   |   |
|---|---|
| <b>Page 18</b>  | <b>Page 20</b>  |
| 1 Go ahead.   | 1 little over 22 years. So as far as I can remember it's      |
| 2 A. For this particular one, I can tell you from the         | 2 been that way.  |
| 3 revision date it was from November of 2011. The             | 3 Q. Does the DLS maintain documents that track               |
| 4 department has always required some form of application to  | 4 changes in application forms for the Texas driver's         |
| 5 be submitted but it's taken different forms. It's taken     | 5 license or identification card?                             |
| 6 different forms, and I wouldn't know what was on those      | 6 A. Not that I'm aware of, no.                               |
| 7 other forms.  | 7 Q. Do you know if DLS maintains a -- an archive of          |
| 8 Q. (BY MR. ROSENBERG) Drawing your attention to the         | 8 prior application forms?                                    |
| 9 first page of the form where it says -- do you see where    | 9 A. Can you clarify what you're meaning by the prior         |
| 10 it says SEX and is there a check-off box for MALE, the     | 10 applications?  |
| 11 check-off box for FEMALE. Then next to it says RACE with   | 11 Q. To the extent that there have been changes in the       |
| 12 a blank. Do you see that?                                  | 12 application for Texas driver's license or identification   |
| 13 A. Yes.  | 13 card, do you know if DLS maintains prior forms?            |
| 14 Q. Has the question as to race to your knowledge           | 14 A. No, sir, DLS does not maintain them.                    |
| 15 been on the application forms for Texas driver's license   | 15 Q. Is the -- is the practice of obtaining                  |
| 16 for a period of time prior to November of 2011?            | 16 information for application for the Texas driver's license |
| 17 MR. SWEETEN: Ezra, I'm going to ask you,                   | 17 the same from county to county?                            |
| 18 are you asking this question under 9 of the corporate rep  | 18 A. Yes, sir.   |
| 19 topic how information is gathered from individuals for the | 19 MR. ROSENBERG: Lindsey, could you have                     |
| 20 database? Because if so, I think that you are asking a     | 20 marked as the next exhibit the DLS data dictionary.        |
| 21 specific question as to a form and when generated is       | 21 MS. STELCEN: Sure.   |
| 22 beyond that. I'm going to go ahead and let her answer to   | 22 (Intervenor Exhibit 3 was marked.)                         |
| 23 the extent she knows, but I think you're afield of the     | 23 MR. SWEETEN: I'm going to have the witness                 |
| 24 topic.   | 24 take a minute to review the document that you've handed    |
| 25 Go ahead.  | 25 her. It's voluminous.                                      |
| <b>Page 19</b>  | <b>Page 21</b>  |
| 1 MR. ROSENBERG: Well, Patrick, I appreciate                  | 1 MR. ROSENBERG: That's fine. She can take                    |
| 2 your objections. We also have No. 8 which is "Information   | 2 her time.   |
| 3 in DLS relating to race or ethnicity." You already          | 3 (Witness reviews document.)                                 |
| 4 mentioned No. 9. I think it's fairly within No. 2. We       | 4 A. Okay.  |
| 5 can proceed, and she can answer it if she can.              | 5 Q. (BY MR. ROSENBERG) Turning your -- first of all,         |
| 6 MR. SWEETEN: Go ahead. You can answer if                    | 6 are you familiar with this document?                        |
| 7 you know the answer to that question.                       | 7 A. Yes, sir.  |
| 8 A. Since I've worked for the department, we've              | 8 Q. And can you state for the record what this               |
| 9 gathered the race on the application, yes.                  | 9 document is?  |
| 10 Q. (BY MR. ROSENBERG) And has the question been            | 10 A. It's the Driver's License System Data Dictionary.       |
| 11 posed in the same way, meaning the person's been asked to  | 11 Q. And were you involved in the generation of this         |
| 12 write down race into a blank field or has there been a     | 12 document?  |
| 13 different form for the question as to race as far as you   | 13 A. Okay. For the generation of it as far as -- can         |
| 14 know?  | 14 you explain what you mean for the generation, for --       |
| 15 MR. SWEETEN: Same objection.                               | 15 Q. Sure. Just for the record, is this a document           |
| 16 You can answer if you know the answer to                   | 16 that you described previously that you e-mailed the file   |
| 17 that.  | 17 pursuant to the request by your supervisors?               |
| 18 A. I don't truly know if there has ever been another       | 18 A. Yes, sir.   |
| 19 way to do it.  | 19 Q. And this is the Word document that you referred         |
| 20 Q. (BY MR. ROSENBERG) Is this the way that it's            | 20 to?  |
| 21 been done as far as you can -- as long as you can          | 21 A. Yes, sir.   |
| 22 remember?  | 22 Q. Turning your attention to -- and can you tell me        |
| 23 A. Yes, sir.   | 23 what this document -- what the purpose of this document    |
| 24 Q. And how long is that for?                               | 24 is?  |
| 25 A. I mean, I've worked for the department for a            | 25 A. To assist the programmers and the users of the          |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 22..25**

|  |   |
|--|---|
| <b>Page 22</b>   | <b>Page 24</b>  |
| 1 system knowing what the fields are that -- and the         | 1 April 2009 that would provide information as to whether a   |
| 2 definition of the fields that are in the system.           | 2 person was considered by this system to be Hispanic?        |
| 3 Q. And does this document contain all of the fields        | 3 A. No, sir.   |
| 4 in the DLS system?   | 4 Q. Other than the difference that the prior system          |
| 5 A. Without reviewing field by field, I would be            | 5 did not have an H for Hispanic, were there any other        |
| 6 hesitant to say completely yes.                            | 6 differences between the DDL and the DLS in terms of         |
| 7 Q. Well, what is your --                                   | 7 Field 23?   |
| 8 A. Because --  | 8 A. No, sir, not that I'm aware of.                          |
| 9 Q. -- purpose in producing the document to produce         | 9 Q. At the right-hand column under Description, it           |
| 10 all of the fields in the DLS system?                      | 10 says: Race of the Customer (match with PDPS).              |
| 11 A. I'm not sure I'm clear on the question again.          | 11 Can you tell me what that means?                           |
| 12 I'm sorry.  | 12 A. For the PDPS portion of that?                           |
| 13 Q. All right. Let me back up and ask this. You            | 13 Q. Yes. What does that phrase "match with PDPS"            |
| 14 said that you produced this file in response to a request | 14 mean?  |
| 15 from, was it Mr. Gomez?                                   | 15 A. PDPS is a problem driver pointer system. It's a         |
| 16 A. Yes, sir.  | 16 national database of where all the states input driver     |
| 17 Q. And what was the request that you received from        | 17 information into the system if they have been suspended or |
| 18 Mr. Gomez?  | 18 revoked in their state.                                    |
| 19 A. To give him the data dictionary that we have.          | 19 Q. And can you explain why the parens "match with          |
| 20 Q. And is it your understanding that the data             | 20 PDPS" appears in Field 23 but not in many of the other     |
| 21 dictionary contains all fields in the DLS?                | 21 fields?  |
| 22 A. Yes, it should be obtaining all the fields in the      | 22 A. The PDPS only allows certain fields. It's a             |
| 23 DLS.  | 23 pointer system, so there is just basic information in      |
| 24 Q. Turning your attention to Page 7, numbered Page 7      | 24 that. It doesn't have all the information that a state     |
| 25 of the document, a Field 23, Race.                        | 25 has on a driver.   |
| <b>Page 23</b>   | <b>Page 25</b>  |
| 1 A. Yes, sir.   | 1 Q. And when it says "match with PDPS," what is done         |
| 2 Q. Where does the information -- first of all, let         | 2 in the system? What does that mean in terms of what is      |
| 3 me ask this. How long was -- for what length of time, as   | 3 done in the system?   |
| 4 far as you know, has Field 23 been used in the form as it  | 4 A. To be clear, I'm not sure what the intent of the         |
| 5 exists on Exhibit No. 3?                                   | 5 person that put it there was on. I mean, I'm not sure who   |
| 6 A. Since we implemented the DLS in April of 2009.          | 6 put that particular verbiage in there.                      |
| 7 Q. Before April of 2009, what system was used?             | 7 Q. Do you know if there is any matching that is done        |
| 8 A. It was called the distributed driver's license          | 8 as to race of the customer?                                 |
| 9 system, also known as DDL.                                 | 9 A. No.  |
| 10 Q. How did the distributed driver's license system        | 10 Q. You don't know or there is none done?                   |
| 11 differ from the DLS system?                               | 11 A. There is none done.                                     |
| 12 A. It did not have the H for Hispanics in that            | 12 Q. Do you know if it's possible to do matching as to       |
| 13 field. It was not allowed.                                | 13 race of customer?  |
| 14 Q. And you're focusing only on Field 23 in terms of       | 14 A. For the --  |
| 15 differences? Is that how you understood my question?      | 15 MR. SWEETEN: I wanted to clarify the                       |
| 16 A. Yes, sir.  | 16 question. Matching, Ezra, with -- matching with what?      |
| 17 Q. And you said that one difference was it did not        | 17 MR. ROSENBERG: PDPS.                                       |
| 18 have the H for Hispanic, and I think you said because it  | 18 MR. SWEETEN: With PDPS system? The                         |
| 19 was not allowed?  | 19 national --  |
| 20 A. It wasn't a -- it wasn't programmed to accept          | 20 MR. ROSENBERG: Yes.  |
| 21 that value in the system.                                 | 21 MR. SWEETEN: Okay.   |
| 22 Q. And do you know why it wasn't programmed to            | 22 A. The Race on the PDPS system is an optional field.       |
| 23 accept that value in the system?                          | 23 Many of the records in there don't have a value, so        |
| 24 A. No, I -- no, I don't.                                  | 24 programming can always be done to do whatever you need it  |
| 25 Q. Was there any information in the system prior to       | 25 to do, but we don't have a reason to do that.              |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 26..29**

| Page 26  | Page 28  |
|--|--|
| <p>1 Q. (BY MR. ROSENBERG) Looking at the column that</p> <p>2 says Field Validation Rules, in Field 23, the "O" for</p> <p>3 "Other," do you see that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. You tell me what Other covers.</p> <p>6 A. Race is self-reported by the individual. So</p> <p>7 Other could be put for anything other than one of the</p> <p>8 categories that's listed here if the individual believes</p> <p>9 that they don't meet any of the categories that are</p> <p>10 already listed.</p> <p>11 MR. ROSENBERG: I just have to take a</p> <p>12 two-minute break because we're trying to get something</p> <p>13 filed with the Court in connection with this case by 11:00</p> <p>14 today. So if we can just take a couple-minute break,</p> <p>15 we'll be right back.</p> <p>16 (Break.)</p> <p>17 MR. SWEETEN: We're back on here in</p> <p>18 beautiful Austin, Texas. Is everybody on the call?</p> <p>19 MR. ROSENBERG: Yes, we are.</p> <p>20 MR. SWEETEN: Ezra, before we get going, can</p> <p>21 we talk a little bit about the 11:30 conference? I would</p> <p>22 assume many of the participants on this call are going to</p> <p>23 need to be on that call. I'm certainly planning to be as</p> <p>24 well so I wonder if we want to do a hard stop at 11:20 and</p> <p>25 then figure out what we're going to do.</p>  | <p>1 that with it. Those are the basic criteria for that.</p> <p>2 Q. (BY MR. ROSENBERG) Are those criteria written</p> <p>3 down anywhere?</p> <p>4 A. Yes.</p> <p>5 Q. And where are they written down?</p> <p>6 A. In our documentation that deals with how we</p> <p>7 program the system.</p> <p>8 Q. Is there a specific title for -- that would</p> <p>9 describe the documentation as to how to program the</p> <p>10 system?</p> <p>11 A. There is -- there is what we call use cases that</p> <p>12 deal with the different aspects of what the requirements</p> <p>13 are for the system.</p> <p>14 Q. Use cases, U-S-E?</p> <p>15 A. Yes.</p> <p>16 Q. Also, I asked a couple of questions as to whether</p> <p>17 or not the database -- the DLS data dictionary that was</p> <p>18 produced contains all the fields. Are you aware of any</p> <p>19 fields that are not in the -- what's been marked as</p> <p>20 Exhibit 3?</p> <p>21 A. No, sir, not off the top of my head.</p> <p>22 Q. Are there previous versions of the DLS data</p> <p>23 dictionary that are maintained by DLS?</p> <p>24 A. DLS doesn't maintain the information. So, no,</p> <p>25 there is no previous versions of that.</p>   |
| Page 27  | Page 29  |
| <p>1 MR. ROSENBERG: That makes perfect sense.</p> <p>2 MR. SWEETEN: Great.</p> <p>3 MR. ROSENBERG: I think the judge said that</p> <p>4 conference was going to go just a half hour. I thought</p> <p>5 she said that. And if so, hopefully we'll be able to get</p> <p>6 back in shortly after 12 o'clock your time, 1 o'clock our</p> <p>7 time.</p> <p>8 MR. SWEETEN: All right. Thank you, kindly.</p> <p>9 With that, I think we're all back and ready to go.</p> <p>10 Q. (BY MR. ROSENBERG) Let me back up just a bit and</p> <p>11 ask a couple more questions on some topics we touched on</p> <p>12 earlier.</p> <p>13 Ms. Martinez, you testified that certain</p> <p>14 people who were renewing or eligible for mailing in. Is</p> <p>15 everyone who renews eligible to mail in their application?</p> <p>16 A. No, sir, they're not.</p> <p>17 Q. What are the criteria that allows some persons to</p> <p>18 use that option and others not?</p> <p>19 MR. SWEETEN: I think this is outside the</p> <p>20 scope, but I'm going to let her answer to the extent she</p> <p>21 has any information on this question.</p> <p>22 A. The basic criteria is that you could not have</p> <p>23 renewed through the mail or online the last time that you</p> <p>24 renewed. You have to have an image on file with us. You</p> <p>25 can't, of course, be suspended or have any issues like</p> | <p>1 Q. Are there previous versions, to your knowledge,</p> <p>2 that are maintained by other State agencies?</p> <p>3 A. No.</p> <p>4 Q. Now, getting back to Field 23 and the information</p> <p>5 in that field. Is there -- I take it when we broke we</p> <p>6 were talking about Other. And I think the question I</p> <p>7 asked was what does Other cover, and I'm not sure if I got</p> <p>8 an answer when we broke.</p> <p>9 A. If I remember correctly, I had stated that the</p> <p>10 Race was a self-reporting field and that if the individual</p> <p>11 that is applying decided that they did not meet one of the</p> <p>12 other criterias, they could choose Other.</p> <p>13 Q. If a person -- are you familiar with situations</p> <p>14 where the person has filled in "black and Hispanic" where</p> <p>15 it said Race? Or more than one race?</p> <p>16 A. Not particularly, no, sir.</p> <p>17 Q. Is there a way of capturing people who identify</p> <p>18 themselves as multi-racial in this field?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you know whether or not people who've -- who</p> <p>21 identify themselves as multi-racial are included within</p> <p>22 the designation of Other?</p> <p>23 A. No, sir. Since it's a self-reported field, we</p> <p>24 don't question their choice.</p> <p>25 Q. What instructions are -- if any, are given to</p> |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 30..33**

|   |  |
|---|--|
| <b>Page 30</b>  | <b>Page 32</b>   |
| <p>1 those who input into Other, under Field 23, as to how to</p> <p>2 treat self-reporting that does not use the word "Black,"</p> <p>3 that does not use the word "Hispanic," that does not use</p> <p>4 the word "White," that does not use the phrase "American</p> <p>5 Indian/Alaskan Native," that does not use the phrase</p> <p>6 "Asian/Pacific Islander"?</p> <p>7 MR. SWEETEN: I'm going to object to the</p> <p>8 question that it is outside the scope of the corporate</p> <p>9 representative topic. And to the extent that the witness</p> <p>10 has any knowledge and can answer the question, I'm going</p> <p>11 to allow her to do so. Though it is outside the scope.</p> <p>12 Go ahead.</p> <p>13 MR. ROSENBERG: For the record, it's clearly</p> <p>14 with the scope under Nos. 2, 8 and 9.</p> <p>15 Q. (BY MR. ROSENBERG) But you can go ahead and</p> <p>16 answer the question.</p> <p>17 A. Can you repeat the question again. I'm sorry.</p> <p>18 MR. SWEETEN: Hold on a second, Ezra, before</p> <p>19 we do that. I just want to clarify. I mean, we're here</p> <p>20 to talk about the Texas driver's license system, the DLS</p> <p>21 database or specific subtopics under that. You're asking</p> <p>22 questions about the specific application process that</p> <p>23 extends beyond what has been outlined in this topic list.</p> <p>24 So I want to be clear that I believe that this is outside</p> <p>25 the scope of this corporate representative 's topics.</p> | <p>1 Q. (BY MR. ROSENBERG) But does the person write</p> <p>2 down the word "Other," only if the person writes down the</p> <p>3 exact word "Other," does it then appear as "Other" in this</p> <p>4 field?</p> <p>5 A. They could write down "Other" or "O." If they do</p> <p>6 write down something other than one of the required -- one</p> <p>7 of the fields that the system takes, then the individual</p> <p>8 asks them, "Which category do you believe you fall into?"</p> <p>9 Q. So is that the -- is there an instruction -- are</p> <p>10 there written instructions to the field that deals with</p> <p>11 the subject of how to get information from people for</p> <p>12 purposes of this database?</p> <p>13 A. Since I'm not in that area of dealing with the</p> <p>14 actual employees in the field, I would hesitate to say</p> <p>15 what their instructions have been and what is written.</p> <p>16 Q. Are you aware of whether or not there are any</p> <p>17 written instructions of that kind?</p> <p>18 A. There have been training manuals when we</p> <p>19 implemented the system that were produced. Other policies</p> <p>20 and stuff, I'm not -- I don't know what they have anymore</p> <p>21 or what they -- really what they have.</p> <p>22 Q. Just so I'm clear, the person who is -- who</p> <p>23 applies has this blank answer to fill in for Race,</p> <p>24 correct?</p> <p>25 A. Yes, sir.</p> |
| <b>Page 31</b>  | <b>Page 33</b>   |
| <p>1 Again, I'm not going to instruct her not to answer that</p> <p>2 question.</p> <p>3 With that, you can go ahead and rephrase</p> <p>4 your question.</p> <p>5 MR. ROSENBERG: Sure. And I understand your</p> <p>6 belief, but we believe at least as strongly, that it is</p> <p>7 fairly within how information is gathered from individuals</p> <p>8 for the database. That's precisely the questions I'm</p> <p>9 asking, information in DLS relating to race or ethnicity,</p> <p>10 those are precisely the questions I'm asking.</p> <p>11 But in any event, let's move ahead. And</p> <p>12 I'll rephrase my question or at least state it again.</p> <p>13 Q. (BY MR. ROSENBERG) In Field 23, Field Validation</p> <p>14 Rules, there are six values, correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. If someone does not put in the precise word</p> <p>17 "American Indian/Alaskan Native," "Asian/Pacific</p> <p>18 Islander," "Black," "Hispanic" or "White," are there any</p> <p>19 instructions that DLS has as to how to categorize that</p> <p>20 person?</p> <p>21 MR. SWEETEN: Same objection.</p> <p>22 You can answer if you know.</p> <p>23 A. The only instructions is, is that the individual</p> <p>24 believes that they don't fall into one of these categories</p> <p>25 and they choose Other.</p>   | <p>1 Q. And that person is not told before he or she</p> <p>2 fills out that list that there are these precise words</p> <p>3 that must be used, correct?</p> <p>4 A. Not --</p> <p>5 MR. SWEETEN: Objection; asked and answered,</p> <p>6 objection; outside the scope.</p> <p>7 You can go ahead and answer the question to</p> <p>8 the extent that you have knowledge of it.</p> <p>9 A. That's correct, there is no indication on the</p> <p>10 form.</p> <p>11 Q. (BY MR. ROSENBERG) So my question is, how does</p> <p>12 the department when it's deciding how to input that</p> <p>13 information decide how to categorize someone into one of</p> <p>14 these values in Field 23?</p> <p>15 A. The department doesn't decide to categorize them.</p> <p>16 If the individual leaves that field blank, the employee</p> <p>17 asks them what category they fall into and have them fill</p> <p>18 in that field.</p> <p>19 Q. I'm taking the example of a person who has not</p> <p>20 left it blank but has written in, say, "black and</p> <p>21 Hispanic." What would happen in that circumstance?</p> <p>22 MR. SWEETEN: Same objection.</p> <p>23 Go ahead and you can answer.</p> <p>24 A. The employee would ask them, "You have to choose</p> <p>25 one way or the other, which one do you choose?"</p>   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 34..37**

|  |  |
|--|--|
| <b>Page 34</b>   | <b>Page 36</b>   |
| <p>1 Q. (BY MR. ROSENBERG) But do those employees have</p> <p>2 those categories that appear in Field Validation Rules</p> <p>3 next to Field 23 on Exhibit 23 with him or her?</p> <p>4 MR. SWEETEN: I'm going to object, outside</p> <p>5 the scope and calls for speculation.</p> <p>6 You can answer if you know.</p> <p>7 A. Actually, they're listed in the system. It's a</p> <p>8 drop-down field that the employee chooses the option. So</p> <p>9 it's available to them in the screen.</p> <p>10 Q. (BY MR. ROSENBERG) Okay. So it's a drop-down</p> <p>11 field in the system. How long has the drop-down field in</p> <p>12 the system been in use?</p> <p>13 A. Since April of 2009.</p> <p>14 Q. And before April of 2009 what system was in use?</p> <p>15 A. The DDL system.</p> <p>16 Q. And did that have a drop-down field?</p> <p>17 A. No, sir.</p> <p>18 Q. What, if anything, did it use to deal with</p> <p>19 gathering of this information?</p> <p>20 A. It was a one-byte field that the employee chose</p> <p>21 one of these options to put into based on what the</p> <p>22 applicant put on their application.</p> <p>23 Q. I think you testified earlier that there was not</p> <p>24 information in the system as to whether or not one was</p> <p>25 Hispanic until April of 2009; is that correct?</p> | <p>1 Q. Now, are you familiar with any other fields in</p> <p>2 the system that also relate to citizenship?</p> <p>3 A. No, sir.</p> <p>4 Q. Let me turn your attention to Field No. 255. On</p> <p>5 Page 55. Do you see that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And is that field entitled Citizenship Country?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And would you agree that that relates to</p> <p>10 citizenship?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you know why that field is used, what the</p> <p>13 purpose is of that field?</p> <p>14 A. That is used during our hazardous material</p> <p>15 endorsement application that the individual has to</p> <p>16 complete when they apply for a hazardous material</p> <p>17 endorsement with their commercial license.</p> <p>18 Q. If you have an individual in the system who -- in</p> <p>19 one part of the system and you have information as to the</p> <p>20 hazardous material endorsement citizenship in the other</p> <p>21 part of the system, is there a procedure to reconcile any</p> <p>22 inconsistencies as to citizenship information as to that</p> <p>23 individual?</p> <p>24 A. No, sir. Not that I'm aware of.</p> <p>25 Q. And on the next page, Page 56, Field No. 256,</p>   |
| <b>Page 35</b>   | <b>Page 37</b>   |
| <p>1 A. That's when the system was implemented, yes. So</p> <p>2 that's correct.</p> <p>3 Q. Once information as to certain licensees'</p> <p>4 ethnicity, in terms of whether they're Hispanic or not is</p> <p>5 in the system, how is that information treated in the</p> <p>6 system? By that I'll be much more specific. Do you go</p> <p>7 back and revise prior information?</p> <p>8 A. No, sir. It's only undated when the applicant</p> <p>9 reapplies for some reason and if they chose to change it</p> <p>10 on their application at that time.</p> <p>11 Q. I'd like to turn your attention to -- on the same</p> <p>12 page of that document Field 26 where it says: U.S.</p> <p>13 Citizen.</p> <p>14 A. Yes, sir.</p> <p>15 Q. How long has Field 26 been used?</p> <p>16 A. I don't have a specific date of when that began</p> <p>17 in the old DDL system.</p> <p>18 Q. Has it been used as long as you can remember?</p> <p>19 A. Yes. I mean, I just don't have a clearcut time</p> <p>20 frame of when it began and when it wasn't there.</p> <p>21 Q. Does DLS update information as to an individual</p> <p>22 when the person -- as to citizenship when the person</p> <p>23 renews?</p> <p>24 A. If that information has changed, then, yes, it's</p> <p>25 updated.</p>  | <p>1 Alien Registration Number. Is that also dealing with the</p> <p>2 hazardous material endorsement or is that something else?</p> <p>3 A. It actually deals with the hazardous material</p> <p>4 endorsement as well as if the individual presents the</p> <p>5 document to us for proof of their lawful presence or proof</p> <p>6 of their identity, that alien registration number is also</p> <p>7 inputted into the system.</p> <p>8 Q. And, again, you would agree that that Field</p> <p>9 No. 256 also relates to citizenship?</p> <p>10 A. I don't know that I would agree to that, but...</p> <p>11 Q. Well, do you have an understanding of what "alien</p> <p>12 registration number" means?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And what's that?</p> <p>15 A. It's the registration number that INS, or DHS</p> <p>16 now, provides to an individual that has been lawfully</p> <p>17 present in the U.S.</p> <p>18 Q. And would that relate to the issue of whether or</p> <p>19 not that individual is a citizen or not?</p> <p>20 MR. SWEETEN: Objection to the question.</p> <p>21 It's vague. Asked and answered. It's also outside the</p> <p>22 scope.</p> <p>23 Q. (BY MR. ROSENBERG) You may answer as your</p> <p>24 attorney has not directed you not to answer.</p> <p>25 A. I could see your point. I understand your point</p> |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 38..41**

|   |   |
|---|---|
| <b>Page 38</b>  | <b>Page 40</b>  |
| <p>1 that it could relate to the citizenship.</p> <p>2 Q. And, again, if that information is there as an</p> <p>3 applicant who in another part of the system has an</p> <p>4 indication of -- a different indication as to citizenship,</p> <p>5 is there anything in this system that tries to reconcile</p> <p>6 those two pieces of information?</p> <p>7 MR. SWEETEN: Again, asked and answered.</p> <p>8 You can go ahead and answer if you --</p> <p>9 MR. ROSENBERG: Actually, I have not asked</p> <p>10 that question.</p> <p>11 A. No, there is no -- no, there is no reconciliation</p> <p>12 between the two.</p> <p>13 Q. (BY MR. ROSENBERG) And turning to Field No. 265</p> <p>14 which says: INS Eligible.</p> <p>15 And the description is: Whether or not the</p> <p>16 applicant meets the eligibility requirements for</p> <p>17 immigration status.</p> <p>18 First, do you agree that that field relates</p> <p>19 to citizenship?</p> <p>20 MR. SWEETEN: Objection to the form. You're</p> <p>21 asking her if she thinks that "INS eligible" means the</p> <p>22 same as "INS citizenship"? How is that anywhere within</p> <p>23 the scope of the topic? She's here to talk about a</p> <p>24 database. She's here to talk about what's in it. And</p> <p>25 you're asking her to interpret how something is similar.</p>           | <p>1 Do you have an understanding of what the</p> <p>2 purpose of that field is?</p> <p>3 A. Other than the fact that it's dealing with their</p> <p>4 hazardous material endorsement and the federal government</p> <p>5 requires that on there, no. I mean, that's -- it's part</p> <p>6 of that application.</p> <p>7 MR. ROSENBERG: Lindsey, could you have</p> <p>8 marked, and actually I think, Patrick, or, Reynolds, you</p> <p>9 have --</p> <p>10 MS. STELCEN: Is it your e-mail from this</p> <p>11 morning?</p> <p>12 MR. ROSENBERG: Yeah.</p> <p>13 (Intervenor Exhibit 4 was marked.)</p> <p>14 MS. STELCEN: This will be marked as</p> <p>15 Exhibit 4.</p> <p>16 THE WITNESS: Okay.</p> <p>17 Q. (BY MR. ROSENBERG) Before you take a look at</p> <p>18 that, one last question in the area we were just</p> <p>19 discussing. Field No. 26 dealing with citizenship, is</p> <p>20 that information asked of every applicant whether they're</p> <p>21 applying for a driver's license or hazardous material or</p> <p>22 occupational license or anything?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. I'd like to show you a document that we</p> <p>25 went over this morning that's now Exhibit 4, am I correct?</p>   |
| <b>Page 39</b>  | <b>Page 41</b>  |
| <p>1 That's your argument to make if you want to make it, but</p> <p>2 not through this witness. So I'm going to object to that,</p> <p>3 argumentative and it's outside the scope of this topic.</p> <p>4 MR. ROSENBERG: I'm asking her for her</p> <p>5 understanding of the description here which says: Whether</p> <p>6 or not the applicant meets the eligibility requirements</p> <p>7 for immigration status.</p> <p>8 Q. (BY MR. ROSENBERG) That's my question.</p> <p>9 MR. SWEETEN: You can answer if you have an</p> <p>10 answer to that question.</p> <p>11 A. I'm sorry. Can you repeat it one more time.</p> <p>12 MR. SWEETEN: We could have the court</p> <p>13 reporter read it back.</p> <p>14 (Discussion off the record.)</p> <p>15 Q. (BY MR. ROSENBERG) Field No. 265 where it says,</p> <p>16 "Whether or not the applicant meets the eligibility</p> <p>17 requirements for immigration status," can you explain to</p> <p>18 me what your understanding of that field is?</p> <p>19 MR. SWEETEN: Same objection.</p> <p>20 A. Again, it's based on the hazardous application</p> <p>21 that the individual is applying for their hazardous</p> <p>22 material endorsement.</p> <p>23 Q. (BY MR. ROSENBERG) And looking at Field No. 642,</p> <p>24 which is on Page 138 which is entitled: U.S. Citizen Born</p> <p>25 Abroad.</p> | <p>1 MS. STELCEN: Correct.</p> <p>2 Q. (BY MR. ROSENBERG) I'll represent to you that</p> <p>3 this is a document that our people have gotten from -- by</p> <p>4 printing out data from the database that's been introduced</p> <p>5 by the State in connection with the DLS data. And we've</p> <p>6 removed from this document the names of the person and</p> <p>7 we've also removed any reference to the social security</p> <p>8 numbers, and particularly since we only have the last four</p> <p>9 digits of the social security numbers, we've removed those</p> <p>10 references.</p> <p>11 First I'd like to draw your attention to the</p> <p>12 first two lines where the data that we have -- if you look</p> <p>13 across, I will represent to you that the name of the</p> <p>14 person would be precisely the same as you see the birth</p> <p>15 date there is December 9th of 1919. The driver's license</p> <p>16 numbers are the same, the address are the same, the city</p> <p>17 is the name, the ZIP is the same. And the only difference</p> <p>18 is one has a county designation and the other does not.</p> <p>19 Do you see that?</p> <p>20 A. Yes, sir.</p> <p>21 MR. SWEETEN: Ezra, I assume that you're</p> <p>22 telling her the name you've omitted is the same on both of</p> <p>23 those? Is that correct?</p> <p>24 MR. ROSENBERG: That's correct. And the</p> <p>25 last four digits of the social securities would be the</p> |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 42..45**

|   |   |
|---|---|
| <b>Page 42</b>  | <b>Page 44</b>  |
| 1 same.   | 1 same name and the same last four digits of the social       |
| 2 MR. SWEETEN: So with that representation                    | 2 security number. And if you see under Driver's License      |
| 3 made by counsel, you can go ahead and answer the question.  | 3 Number column, there is a different driver's license        |
| 4 A. So yes, I do see that.                                   | 4 number for that person. Do you see that?                    |
| 5 Q. (BY MR. ROSENBERG) Can you explain, if you can,          | 5 A. Yes, sir.  |
| 6 why we would have a duplicate like that from the data that  | 6 Q. Do you have an understanding as to why the system        |
| 7 was produced to us by the State?                            | 7 would have different driver's license numbers for the same  |
| 8 A. Since it has the same driver's license number, I         | 8 person?   |
| 9 would believe that they pulled both the mailing address     | 9 A. This could possibly represent the fact that the          |
| 10 and the physical address for you.                          | 10 person has both an identification card as one person       |
| 11 Q. But the address is the same, also?                      | 11 record and a driver's license as another person record.    |
| 12 A. Yes. Our system requires both a physical and a          | 12 And, therefore, they gave you both the mailing address and |
| 13 residential -- I mean, a residential and a mailing         | 13 the physical address for both cards.                       |
| 14 address. And if they're the same, they're both populated   | 14 Actually, it's the same person record. They gave           |
| 15 that way.  | 15 you a mailing and physical address for the driver's        |
| 16 Q. And why would there be one having a county              | 16 license and mailing and physical address for the           |
| 17 designation and the other not?                             | 17 identification card.                                       |
| 18 A. Because a physical address is supposed to be in         | 18 Q. I see.  |
| 19 Texas and the mailing address can be anywhere, and so      | 19 Can you tell me, Ms. Martinez, which -- and I'm            |
| 20 there is no county in the majority of places other than    | 20 moving away from this document right now -- which fields   |
| 21 Texas. So we don't require a county code.                  | 21 in the DLS are relevant to the -- an inquiry as to whether |
| 22 Q. So is there a field that we don't have of mailing       | 22 or not a person has a valid driver's license?              |
| 23 address that would have explained that?                    | 23 A. It's going to depend on what your definition of         |
| 24 A. I'm not clear on your question. I'm sorry.              | 24 "valid" is.  |
| 25 Q. If we had a field that showed the mailing               | 25 Q. I'm happy to use your definition of "valid."            |
| <b>Page 43</b>  | <b>Page 45</b>  |
| 1 address, would that -- at least according to what you       | 1 A. Okay. My definition of valid would be one that           |
| 2 think happened here, would that at least perhaps explain    | 2 is not expired and is not suspended, canceled, revoked,     |
| 3 why we have a duplicate of a person?                        | 3 denied or taken away for some reason. So those, by that     |
| 4 A. Yes.   | 4 definition, we would have a card status that would tell us  |
| 5 Q. Also -- look on this page, you'll see that 1             | 5 whether or not the license, what the status is based on --  |
| 6 through 47 and then the next page, actually, goes 48        | 6 for the expiration date. We have a record status that       |
| 7 through 94, all have birth dates of 1919. Do you see        | 7 would tell us whether or not the person was eligible or     |
| 8 that?   | 8 suspended for some reason. And we also could look at        |
| 9 A. I only have two pages, so...                             | 9 administrative statuses and card -- another type of card    |
| 10 Q. Right. Two pages. And it's -- the 1 through 94          | 10 status that would tell us if there is something else going |
| 11 are the left-hand column.                                  | 11 on with that record.                                       |
| 12 A. Okay.   | 12 Q. So, for example, turning your attention to Field        |
| 13 Q. Are these persons who are, to your knowledge, if        | 13 No. 37.  |
| 14 they're listed in this database that they are still alive? | 14 A. Yes, sir.   |
| 15 MR. SWEETEN: If you know.                                  | 15 Q. Which is Surrendered. Would that be an                  |
| 16 A. No, I wouldn't know because I don't know what the       | 16 indication of whether or not that person holds a valid     |
| 17 criteria was for the query to run for you.                 | 17 license?   |
| 18 Q. (BY MR. ROSENBERG) Who would know that,                 | 18 A. No, sir, not necessarily. No.                           |
| 19 Mr. Gomez?   | 19 Q. What does that field describe, then?                    |
| 20 A. I don't know if he knows or not, but he would be        | 20 A. That's the field when an individual comes in and        |
| 21 the one that I know of that could be asked if he knows. I  | 21 surrenders their license to us from another state, we      |
| 22 don't know what he knows.                                  | 22 input that state information and that card number into     |
| 23 Q. Looking at the same document in the same page, if       | 23 that field. It's maintained on the database so it's not    |
| 24 you look at left-hand column numbers 31 and 32. And,       | 24 an indication that something didn't happen after that.     |
| 25 again, I would represent to you that 31 and 32 have the    | 25 Q. Thank you.  |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 46..49**

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| <b>Page 46</b>   | <b>Page 48</b>   |
| <p>1 How about Field No. 113 through 123, do those</p> <p>2 relate to whether or not a person has a valid license?</p> <p>3 A. 113 through 115?</p> <p>4 Q. Through 123.</p> <p>5 A. Through 123.</p> <p>6 They do, but there is -- the easier way of doing</p> <p>7 that is to look at the actual card status that says</p> <p>8 whether or not he's eligible or not eligible.</p> <p>9 Q. And where would we find that?</p> <p>10 A. I'd have to look through the data dictionary. I</p> <p>11 don't know the number off the top of my head.</p> <p>12 Q. Let me just try one off the top of my head. 340?</p> <p>13 A. Yes, that's the -- I'm sorry. I was saying card</p> <p>14 status. It's a License Status.</p> <p>15 Q. And that -- is that the field that you think</p> <p>16 would be the field that would best provide information as</p> <p>17 to whether a person has a valid license?</p> <p>18 A. That's one of the fields, yes, sir.</p> <p>19 Q. Okay. And I think you also mentioned that there</p> <p>20 was something called a record status?</p> <p>21 A. This is what I was referring to as the record</p> <p>22 status is the License Status. And then there is the</p> <p>23 actual -- it may actually be called an issuance status.</p> <p>24 Q. 306. Would you look at that, please?</p> <p>25 A. Yes, sir. That's what I was referring to as far</p>  | <p>1 A. It's a little more complicated than that because</p> <p>2 you're dealing with multiple information. This is just</p> <p>3 one of the fields in the enforcement action that tells you</p> <p>4 what type of action we're taking. Depending on the dates</p> <p>5 of that action and where it is in the process would</p> <p>6 determine the license status of not eligible or eligible.</p> <p>7 Q. So the information there would be captured under</p> <p>8 License Status in a summary form?</p> <p>9 A. No. The information here is just based on that</p> <p>10 particular enforcement action and where it falls under the</p> <p>11 statute. If it's under a revocation or a</p> <p>12 disqualification. Based on the dates of that enforcement</p> <p>13 action when it began and what the current date is, when it</p> <p>14 ends, what the status is of that enforcement action going</p> <p>15 through the process would then determine what the record</p> <p>16 status, the license status is of the entire license.</p> <p>17 Q. And that would get into Field 340, then?</p> <p>18 A. Let me look at 340. Yes, sir.</p> <p>19 Q. And by the way, going back to -- maybe we can use</p> <p>20 340 as an example. Yeah.</p> <p>21 340 has five values, correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And are values entered in that field for</p> <p>24 everyone?</p> <p>25 A. Yes, sir.</p>   |
| <b>Page 47</b>   | <b>Page 49</b>   |
| <p>1 as if he's expired or if he's active.</p> <p>2 Q. Now, Field 135 which says License Confiscated,</p> <p>3 with a question mark. Is that data also captured within</p> <p>4 fields 306 and 340? Or is that separate data?</p> <p>5 A. No, that's separate data.</p> <p>6 Q. And if a person's license is confiscated, would</p> <p>7 you then consider that person not to have a valid license?</p> <p>8 A. Not until the enforcement action was taken effect</p> <p>9 on him. The confiscation is dealing with your</p> <p>10 administrative license revocation, your ALR. And so it's</p> <p>11 just an indicator for that particular enforcement action.</p> <p>12 Q. And similarly on page -- next page, License</p> <p>13 Surrendered, 143, is this the same sort of surrender as</p> <p>14 you talked about before or is this a different sort of</p> <p>15 surrender?</p> <p>16 A. This should be a different sort of surrender</p> <p>17 based on if the individual chooses to give up his ID card</p> <p>18 or his driver's license for some reason.</p> <p>19 Q. And if a person gives up his ID card or his</p> <p>20 driver's license, do you consider that person to be</p> <p>21 holding a valid license?</p> <p>22 A. No, sir.</p> <p>23 Q. And Field No. 171, which is Enforcement Action</p> <p>24 Type, does that field relate to field -- either of the</p> <p>25 status fields you talked about earlier?</p> | <p>1 Q. Whenever we have fields that have more than one</p> <p>2 values, is it the practice of DLS to always enter a value</p> <p>3 in that field as opposed to leaving some of the fields</p> <p>4 blank?</p> <p>5 A. Yes, sir. It's a hierarchy.</p> <p>6 Q. Meaning -- I'm not sure I understand your answer.</p> <p>7 When you say it's a hierarchy, what do you mean?</p> <p>8 A. That if we find that the person's reported</p> <p>9 deceased, that takes precedence over any other status. So</p> <p>10 we have the statuses listed in a hierarchy to tell us</p> <p>11 which one takes precedence over the other one.</p> <p>12 Q. What is the hierarchy?</p> <p>13 A. This is, again, without any notes or</p> <p>14 documentation that I have, but I believe that Reported</p> <p>15 Deceased is first as far as that's the -- going, I guess,</p> <p>16 from top to bottom in my way of thinking -- is Reported</p> <p>17 Deceased, Not Eligible. And these two have actually been</p> <p>18 combined, the two -- the NOT and the NEN. The NEN is no</p> <p>19 longer there. It's just a Not Eligible. Then there is</p> <p>20 Not Eligible CDL, Eligible Non-CDL, and then there is</p> <p>21 Licensed.</p> <p>22 Q. And going back to Field 23 dealing with Race, if</p> <p>23 nothing is filled out in Race, does -- is that just left</p> <p>24 blank in the database or is a field always filled in?</p> <p>25 MR. SWEETEN: Ezra, what number did you say?</p> |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 50..53**

|   |  |
|---|--|
| <b>Page 50</b>  | <b>Page 52</b>   |
| <p>1 I didn't hear.</p> <p>2 MR. ROSENBERG: 23.</p> <p>3 MR. SWEETEN: 23. Okay. We're back to 23.</p> <p>4 MR. ROSENBERG: Yeah.</p> <p>5 MR. SWEETEN: Go ahead. You can answer.</p> <p>6 A. If we're doing an actual issuance of a license or</p> <p>7 identification card and it's a required field, we do have</p> <p>8 what we call on-license records in the system, and they</p> <p>9 are established based on the fact that a person -- that a</p> <p>10 court convicts somebody of something and we don't have a</p> <p>11 record of them on the system, so many times we don't know</p> <p>12 what their race was.</p> <p>13 Q. (BY MR. ROSENBERG) But in terms of Field 23, my</p> <p>14 question is, is that field ever left blank?</p> <p>15 A. For a driver's license or identification card,</p> <p>16 no.</p> <p>17 Q. And but for what other -- in what other</p> <p>18 circumstances would that field be left blank?</p> <p>19 A. It could be left blank if we establish an</p> <p>20 on-license record where we don't know what the</p> <p>21 individual's race is.</p> <p>22 Q. Can you give me an example of an on-license</p> <p>23 record?</p> <p>24 A. An individual that has never applied for and</p> <p>25 obtained a driver's license or identification card in</p>   | <p>1 assigned to that individual.</p> <p>2 Q. Right. But that person is still in the system?</p> <p>3 A. Yes.</p> <p>4 Q. But not with a driver's license or an ID card,</p> <p>5 but there might be people like that who are Texas</p> <p>6 citizens?</p> <p>7 A. Sure.</p> <p>8 Q. So, again, if I wanted to identify them, is there</p> <p>9 a way of identifying them in the system?</p> <p>10 A. No, we don't distinguish why we establish the</p> <p>11 on-license record.</p> <p>12 Q. If I wanted to pull up Texas citizens who are in</p> <p>13 the system but who don't have a driver's license, could</p> <p>14 that be done?</p> <p>15 A. No, sir.</p> <p>16 Q. Give me a second, please.</p> <p>17 Ms. Martinez, getting back to the various</p> <p>18 statuses and just so I have it straight. Record Status, I</p> <p>19 think you testified, is the same as License Status. Which</p> <p>20 field is card status?</p> <p>21 A. So -- let me go back and look. Hold on.</p> <p>22 Q. Sure.</p> <p>23 (Witness reviews document.)</p> <p>24 Q. (BY MR. ROSENBERG) Just to help speed things up,</p> <p>25 is there -- Issuance Status and Card Status, are they the</p>  |
| <b>Page 51</b>  | <b>Page 53</b>   |
| <p>1 Texas obtains a DWI conviction in Texas. The court</p> <p>2 reports that to us and we establish an on-license record</p> <p>3 so we can take suspension action to withdraw his driving</p> <p>4 privileges in Texas.</p> <p>5 Q. Just so I understand this, the DLS database will</p> <p>6 include people who are not applicants for a license under</p> <p>7 a certain circumstances?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And one example is an out-of-state driver who</p> <p>10 gets stopped for some sort of infraction such as DWI?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Are there other examples where people who are not</p> <p>13 applicants for licenses are in the database?</p> <p>14 A. The only other example that we have is we have</p> <p>15 what's called a parent-taught application where parents</p> <p>16 apply for a parent-taught package and a record is</p> <p>17 established in the system for that child at that time to</p> <p>18 show that we mailed the parent-taught information to them.</p> <p>19 Q. And getting back to the example of an</p> <p>20 out-of-state driver -- or I should say getting back to the</p> <p>21 example of somebody who has an out-of-state license who is</p> <p>22 stopped for a DWI, what -- if I wanted to identify who</p> <p>23 those people were, is there a field that I would look at?</p> <p>24 A. We determine -- the basic way we determine is</p> <p>25 that we don't have a driver's license or an ID card</p> | <p>1 same thing?</p> <p>2 A. No. The two statuses that I was referring to was</p> <p>3 the issuance status where it's showing he's eligible or</p> <p>4 licensed and then status dealing with whether he's expired</p> <p>5 or not expired. And occasionally I get the terms mixed up</p> <p>6 as far as what they're called. So those are the two</p> <p>7 fields that I was referring to.</p> <p>8 Q. And one of them was 340, which is the eligibility</p> <p>9 status, right?</p> <p>10 A. The License Status, yes.</p> <p>11 Q. And which -- the other is expired or not expired,</p> <p>12 which is the card status and where would we find that?</p> <p>13 A. That was actually the DL Issuance Status, 306.</p> <p>14 Q. Okay. And I think you also discussed or</p> <p>15 mentioned something called administrative status. Is that</p> <p>16 different from card status?</p> <p>17 A. Yes. The administrative status is different than</p> <p>18 that.</p> <p>19 Q. What is that and where can we find that?</p> <p>20 A. I don't know what the number is in here. But an</p> <p>21 administrative status deals with certain actions that we</p> <p>22 may take against the individual just based on</p> <p>23 administrative functions.</p> <p>24 Q. And can you give me an example?</p> <p>25 A. For example -- and let me find the field before</p> |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 54..57**

| Page 54  | Page 56   |
|--|---|
| <p>1 I --</p> <p>2 Q. Sure.</p> <p>3 A. -- say something that's not right.</p> <p>4 (Witness reviews document.)</p> <p>5 Q. (BY MR. ROSENBERG) If it will speed things up,</p> <p>6 because we're going to be taking a break around ten</p> <p>7 minutes or so and you'd rather look at it over the break,</p> <p>8 that would be fine.</p> <p>9 A. Okay.</p> <p>10 Q. Let me ask about another status which is in 374,</p> <p>11 Permit Status. Can you explain what that is?</p> <p>12 A. You said it was 74?</p> <p>13 Q. 374.</p> <p>14 A. 374.</p> <p>15 This is dealing with information that we may</p> <p>16 obtain from another state through the PDPS system or</p> <p>17 through the commercial driver's license information</p> <p>18 system. Many states maintain separate records for their</p> <p>19 permits, especially for commercial drivers, and these</p> <p>20 would be the statuses of those permits. We don't maintain</p> <p>21 that on our system.</p> <p>22 Q. Field 249, which is Deceased Certificate Number.</p> <p>23 A. Okay.</p> <p>24 Q. Does that relate to -- field relate at all to the</p> <p>25 RPD in the License Status field, 340?</p>  | <p>1 A. Yes, sir.</p> <p>2 Q. And could you tell me what that field is?</p> <p>3 A. It's the Homebound field. It's an indicator that</p> <p>4 we place on a record when we are issuing a homebound</p> <p>5 identification card. It's used so that our image capture</p> <p>6 system knows that we don't have fingerprints for that</p> <p>7 individual since they're homebound.</p> <p>8 Q. And how is the determination is made whether the</p> <p>9 person is homebound?</p> <p>10 A. When we actually have to go to their home in</p> <p>11 order to do the issuance transaction form.</p> <p>12 Q. And is the information in the system as to</p> <p>13 whether a person is homebound updated?</p> <p>14 A. It would be updated the next time they're issued,</p> <p>15 yes.</p> <p>16 Q. Is it updated in both directions if the person is</p> <p>17 in the system as homebound and then is determined not to</p> <p>18 be homebound or if the person in the system is not</p> <p>19 homebound and is later determined to be homebound, does</p> <p>20 the data turned both directions?</p> <p>21 A. Only when we actually go to their house would it</p> <p>22 be updated that they're homebound. And then only when</p> <p>23 they actually applied for a license in the office would it</p> <p>24 be changed back to not homebound.</p> <p>25 Q. I'd like to take a look at 264, please. And can</p> |
| Page 55  | Page 57   |
| <p>1 A. It does in the way that when we receive that</p> <p>2 information, we will change the status of the individual's</p> <p>3 license to reported deceased.</p> <p>4 Q. I also want to clarify something we discussed a</p> <p>5 few moments ago. If there was a Texan who was unlicensed</p> <p>6 and gets stopped for a DWI, that person is entered into</p> <p>7 the system as unlicensed?</p> <p>8 A. Yes, sir.</p> <p>9 Q. But, again, if I wanted to find out -- if I</p> <p>10 wanted to pull those people from your system, is there a</p> <p>11 way that we could pull those people?</p> <p>12 A. We don't make any distinguish if the individual's</p> <p>13 a Texan/or not. So, no, you cannot pull that to know that</p> <p>14 they are just Texans.</p> <p>15 Q. But if I wanted to pull all unlicensed DWI people</p> <p>16 from your system, could I do that?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And how would I do that?</p> <p>19 A. It would be a query, a SQL query against the</p> <p>20 database to pull those particular records.</p> <p>21 Q. What kind of query?</p> <p>22 A. It's a SQL query.</p> <p>23 Q. Oh, SQL query. Okay.</p> <p>24 I'd like you to take a look, if you would, at</p> <p>25 Field No. 32.</p> | <p>1 you tell me what that field describes?</p> <p>2 A. That, again, goes with our Hazardous Material</p> <p>3 Endorsement field, the application, and the federal</p> <p>4 government requires an answer to that question. It's an</p> <p>5 applicant-provided question -- answer.</p> <p>6 Q. So the yes or no comes from the applicant:</p> <p>7 Whether or not the applicant has been deemed as a mental</p> <p>8 defective or committed involuntarily to a mental</p> <p>9 institution?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Look at Field 234, please.</p> <p>12 A. Complies.</p> <p>13 Q. And I just want to make sure that we understand</p> <p>14 what the values in this field mean. "DL," is that</p> <p>15 driver's license?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And "ID" is what?</p> <p>18 A. Identification card.</p> <p>19 Q. And that's the state identification card that you</p> <p>20 described earlier?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And what is "EC"?</p> <p>23 A. It's an election certificate.</p> <p>24 Q. Is that also sometimes referred to as "EIC"?</p> <p>25 A. It may have been at one time, yes.</p>  |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 58..61**

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| <p align="right"><b>Page 58</b></p> <p>1 Q. And "Occupation" was the occupational license?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And "Employee ID," what does that refer to?</p> <p>4 A. It's just as it sounds, an ID that is issued to</p> <p>5 one of our employees.</p> <p>6 Q. One of DLS's employees?</p> <p>7 A. Yes. DPS's.</p> <p>8 Q. DPS's employees.</p> <p>9 And "None," when is that value used?</p> <p>10 A. That would be the value of that we have no other</p> <p>11 type of card on the system.</p> <p>12 MR. ROSENBERG: I'm not sure if this might</p> <p>13 be a good time to take that break.</p> <p>14 MR. SWEETEN: That sounds really good.</p> <p>15 (Break.)</p> <p>16 Q. (BY MR. ROSENBERG) Okay. Ms. Martinez, I asked</p> <p>17 you earlier about a life -- life check database. Are you</p> <p>18 familiar with a life check database?</p> <p>19 A. No, sir, I'm not familiar with that term.</p> <p>20 Q. Are you familiar with either a life check or a</p> <p>21 Live-Check database that's maintained by the Department of</p> <p>22 Public Safety?</p> <p>23 A. No, sir.</p> <p>24 Q. Okay. Thank you.</p> <p>25 A couple of questions that -- on various items</p>   | <p align="right"><b>Page 60</b></p> <p>1 A. I don't remember when we started collecting the</p> <p>2 citizenship. So there's a possibility that someone is on</p> <p>3 the system, but they have moved to another state and we've</p> <p>4 never collected the citizenship on them. And, again, our</p> <p>5 on license records. So those type of situations where we</p> <p>6 wouldn't have a citizenship.</p> <p>7 Q. Okay. Now, the requirement to provide</p> <p>8 citizenship information has been in part of the system</p> <p>9 only since April of 2009; is that correct?</p> <p>10 A. No.</p> <p>11 Q. How long has it been on the system?</p> <p>12 A. I don't remember the exact time that that was</p> <p>13 actually implemented into the system.</p> <p>14 Q. Was it at least ten years ago?</p> <p>15 A. I -- I don't know for sure exactly. I'd hate to</p> <p>16 speculate.</p> <p>17 Q. Is -- well, is it possible it was less than ten</p> <p>18 years?</p> <p>19 MR. SWEETEN: Objection to the form, asked</p> <p>20 and answered.</p> <p>21 A. I just don't know. I don't know a time frame off</p> <p>22 the top of my head of when that was implemented.</p> <p>23 Q. (BY MR. ROSENBERG) If someone was in the system</p> <p>24 before it was implemented, is their citizenship</p> <p>25 information ever updated?</p> |
| <p align="right"><b>Page 59</b></p> <p>1 that we touched upon. In the citizenship database, which</p> <p>2 was Database 26, is there a -- an unknown field?</p> <p>3 A. Okay. The -- the citizenship is a field and it</p> <p>4 has -- does have an unknown value, yes.</p> <p>5 Q. An unknown value.</p> <p>6 And who gets an unknown value?</p> <p>7 A. Those individuals that have never been in to</p> <p>8 verify what their citizenship is to us and the unlicensed</p> <p>9 records.</p> <p>10 Q. So if in -- in filling out the application form,</p> <p>11 they don't answer it, is that -- is that one way they get</p> <p>12 an unknown?</p> <p>13 A. No. We -- it's a required field for them to</p> <p>14 answer when they're actually applying for the license. It</p> <p>15 is at this point.</p> <p>16 Q. So they have to show documentation in order not</p> <p>17 to get an unknown?</p> <p>18 A. During the issuance of the license, they -- we</p> <p>19 either enter a yes or a no. They don't get entered an</p> <p>20 unknown during the issuance of a license.</p> <p>21 Q. Are there individuals on the database who have an</p> <p>22 unknown value in Field 26?</p> <p>23 A. There could still be individuals on there, yes.</p> <p>24 Q. And how -- can you describe the circumstances how</p> <p>25 someone could be on the database with an unknown?</p> | <p align="right"><b>Page 61</b></p> <p>1 A. Only when they return to be issued.</p> <p>2 Q. And otherwise, it would not be updated?</p> <p>3 A. Correct.</p> <p>4 Q. And how does DPS collect citizenship information</p> <p>5 from people who did not provide their citizenship when</p> <p>6 they provided their license, when they obtained their</p> <p>7 license?</p> <p>8 A. We require documentation of their citizenship,</p> <p>9 such as a -- a U.S. birth certificate or a U.S. passport.</p> <p>10 Q. At what time?</p> <p>11 A. When they come back into the office and apply for</p> <p>12 a new license or ID card.</p> <p>13 Q. Does the renewal form ask the question -- the</p> <p>14 citizenship question?</p> <p>15 A. Yes, it does.</p> <p>16 Q. We talked about No. 265, Field No. 265. Could</p> <p>17 you take a look at that for a second?</p> <p>18 A. Okay. I'm there.</p> <p>19 Q. How does the DPS determine whether the applicant</p> <p>20 is eligible for an INS status?</p> <p>21 A. It says this is --</p> <p>22 MR. SWEETEN: Hold on a minute. How does</p> <p>23 the DPS determine whether someone is -- I'm sorry?</p> <p>24 MR. ROSENBERG: Has met the eligibility</p> <p>25 requirements for immigration status as set forth in the</p>   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 62..65**

|   |  |
|---|--|
| <b>Page 62</b>  | <b>Page 64</b>   |
| <p>1 description.</p> <p>2 MR. SWEETEN: Are you asking how the data --</p> <p>3 what's in the database? Are you asking how these</p> <p>4 determinations are made amongst individuals filling out</p> <p>5 information? I think once again -- you know, I'm going to</p> <p>6 go ahead, Ezra, and I'm going to interpose an objection.</p> <p>7 What we're doing here -- what you're doing here is you're</p> <p>8 asking her questions about -- you were -- you were going</p> <p>9 into the area of DPS policy. She is here to talk about</p> <p>10 the DLS database. That's what she's here for. That's</p> <p>11 what these topics cover. It also -- I understand it talks</p> <p>12 about the information in the database. We're not here to</p> <p>13 talk about DPS policy or things that are extraneous to</p> <p>14 that.</p> <p>15 MR. ROSENBERG: No, I'm not. I'm talking</p> <p>16 about how the information is gathered. And specifically</p> <p>17 all I'm asking is how the determination is made to have a</p> <p>18 yes or a no value assigned to Field 265.</p> <p>19 MR. SWEETEN: Okay. As phrased, you can go</p> <p>20 ahead and answer the question if you know the answer to</p> <p>21 it.</p> <p>22 A. This -- this particular field is dealing with the</p> <p>23 hazardous material endorsement. So, again, it's a</p> <p>24 self-reported field. We leave it up to TSA to verify that</p> <p>25 information.</p> | <p>1 now of not, which means you're not eligible to -- to</p> <p>2 obtain any type of license.</p> <p>3 And then, of course, the "reported deceased" is</p> <p>4 reported deceased.</p> <p>5 Q. I'm sorry. The difference between "NOT" and</p> <p>6 "NEN," I'm not sure if I understood the difference.</p> <p>7 A. So to verify -- to clarify, I mean, that these</p> <p>8 statuses are the statuses that are used -- that are listed</p> <p>9 here are the ones it used in our transmissions between</p> <p>10 Texas and other states through the AMVA interfaces that we</p> <p>11 have. AMVA no longer has the NEN, N-E-N, status. They</p> <p>12 did away with it.</p> <p>13 Q. Okay. We talked before the break about the</p> <p>14 homebound field. Could you tell me who determines what</p> <p>15 the value is that's placed in the homebound field? And by</p> <p>16 that, I mean, is it self-referencing?</p> <p>17 A. It's determined by the examiner that goes to the</p> <p>18 home to issue the documents, the license or identification</p> <p>19 card, to the homebound individual. So when --</p> <p>20 Q. So the individual would typically inform DPS that</p> <p>21 he or she is homebound?</p> <p>22 A. Yes. They -- they contact and schedule an</p> <p>23 appointment for one of our employees to go to their home.</p> <p>24 Q. And are there standards that apply as to the</p> <p>25 determination of whether someone is listed as homebound?</p>  |
| <b>Page 63</b>  | <b>Page 65</b>   |
| <p>1 Q. (BY MR. ROSENBERG) I'm sorry. I didn't hear the</p> <p>2 end of that answer.</p> <p>3 A. It's up to TSA what they do with the information</p> <p>4 on the hazmat application.</p> <p>5 Q. And going back to the issue of when Hispanic was</p> <p>6 added to the database. If a person was initially entered</p> <p>7 into the database who is Hispanic but was not assigned a</p> <p>8 Hispanic value because it wasn't there, how is that</p> <p>9 individual identified as Hispanic subsequently after the</p> <p>10 field was added, the value was added?</p> <p>11 A. Whenever they get issued again, if at that point</p> <p>12 they wish to change their designation, it -- it can be</p> <p>13 changed during the issuance process.</p> <p>14 Q. Does the renewal form ask for that information?</p> <p>15 A. No.</p> <p>16 Q. Turning back to field No. 340.</p> <p>17 A. Okay. I'm there.</p> <p>18 Q. Going through each of those values, can you</p> <p>19 explain what each of those values means? "LIC, licensed"?</p> <p>20 A. "LIC, licensed" means that they actually have a</p> <p>21 license that is valid.</p> <p>22 The term "eligible" means that they're eligible</p> <p>23 to obtain one.</p> <p>24 The -- the "not eligible due to ACD" and the</p> <p>25 "NEN, not eligible due to non-ACD" is actually one status</p>  | <p>1 A. That's getting into a policy for the field</p> <p>2 offices, and I'm -- I'm not aware of what their policies</p> <p>3 are on -- regards to that.</p> <p>4 Q. And think I have one more question, but hold on</p> <p>5 one second. Let me make sure. One or two more questions.</p> <p>6 Okay. I was just reminded, before the break, we</p> <p>7 asked you to look up what the -- what the admin status.</p> <p>8 Were you able to do that? The admin status field?</p> <p>9 A. Yes. I found that in Field No. 297 on Page 65.</p> <p>10 Q. And can you explain what that field is?</p> <p>11 A. This field is used to reference other actions</p> <p>12 that may need to be taken against a person's records that</p> <p>13 is not an actual enforcement action at this point. So</p> <p>14 these different statuses reference them.</p> <p>15 Q. So if -- if I wanted to identify all fields and</p> <p>16 values to determine who had a current active driver's</p> <p>17 license or ID card, and I'm not asking you to identify by</p> <p>18 number the base -- the fields, but could you tell me which</p> <p>19 fields I would want to look at?</p> <p>20 MR. SWEETEN: Objection to form.</p> <p>21 A. There -- there are numerous different fields that</p> <p>22 you could look at. So to determine exactly what you want,</p> <p>23 I'm not sure that I can tell you that.</p> <p>24 Q. (BY MR. ROSENBERG) Well, what I want is</p> <p>25 identifying who has current active driver's license or ID</p> |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 66..69**

|  |  |
|--|--|
| <b>Page 66</b>   | <b>Page 68</b>   |
| <p>1 cards. So when you say there are numerous -- and I</p> <p>2 understand this is off the top of your head and you -- but</p> <p>3 without looking -- you -- you can look at this document or</p> <p>4 you could -- and I'm not looking for specific numbers, but</p> <p>5 rather what -- what the fields are.</p> <p>6 MR. SWEETEN: Objection to the form.</p> <p>7 You can answer if you -- if you know</p> <p>8 anything about -- if I you know what he's asking.</p> <p>9 A. The -- the only thing is -- is basically the</p> <p>10 fields that we've gone over that -- that you've pulled</p> <p>11 out, the license status that tells you whether or not the</p> <p>12 individual's licensed or not.</p> <p>13 Q. (BY MR. ROSENBERG) Uh-huh.</p> <p>14 A. The -- now I can't remember what the other field</p> <p>15 was, the one that --</p> <p>16 Q. Well, you --</p> <p>17 A. -- active --</p> <p>18 Q. -- you showed me the card status.</p> <p>19 A. The issuance status and the...</p> <p>20 Q. Well, I'll put the question to you this way.</p> <p>21 Other than those statuses that you've previously testified</p> <p>22 to, are there other fields that one would look at to</p> <p>23 determine who had current active driver's licenses or ID</p> <p>24 cards?</p> <p>25 MR. SWEETEN: Objection to the form, asked</p> | <p>1 those few questions that my supervisor asked me about some</p> <p>2 fields.</p> <p>3 Q. Thank you.</p> <p>4 Are you aware of any concerns about the accuracy</p> <p>5 of any information from the database or extracts that you</p> <p>6 provided to your supervisor?</p> <p>7 MR. SWEETEN: Objection to the form.</p> <p>8 Q. (BY MS. WESTFALL) You may answer.</p> <p>9 A. No, I'm not aware of any.</p> <p>10 Q. And did you have any involvement in manipulating</p> <p>11 the database or providing extracts or copies of the</p> <p>12 database in conjunction with the administrative submission</p> <p>13 under Section 5 that Texas made in July of 2011?</p> <p>14 A. I'm not aware of that, no.</p> <p>15 Q. Did you at any time before March 2012 manipulate</p> <p>16 the database or provide any information from that database</p> <p>17 to your supervisor to be produced to the United States?</p> <p>18 MR. SWEETEN: Objection to the form. This</p> <p>19 has been asked and answered.</p> <p>20 You can go ahead.</p> <p>21 Q. (BY MS. WESTFALL) You may answer.</p> <p>22 A. Not that I'm aware of, no.</p> <p>23 Q. And turning your attention now to the exhibit</p> <p>24 that Mr. Rosenberg referred to previously, Exhibit No. 3,</p> <p>25 the DLS Data Dictionary. Do you have that in front of</p> |
| <b>Page 67</b>   | <b>Page 69</b>   |
| <p>1 and answered.</p> <p>2 Just answer if you know.</p> <p>3 A. Not that I'm aware of at this time, no.</p> <p>4 MR. ROSENBERG: I'm -- I' have no further</p> <p>5 questions right now. I'll turn it over to DOJ.</p> <p>6 MS. WESTFALL: Thank you.</p> <p>7 EXAMINATION</p> <p>8 BY MS. WESTFALL:</p> <p>9 Q. This is Elizabeth Westfall, Ms. Martinez. I am</p> <p>10 counsel for defendant, Eric Holder, in this action. And</p> <p>11 I'm going be asking you a few questions to follow up on</p> <p>12 some of the questions you've already answered today.</p> <p>13 Do you need a break before we start?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Wonderful. Thank you.</p> <p>16 I believe you testified earlier about your</p> <p>17 involvement in producing copies or extracts of the</p> <p>18 driver's license database as part of this litigation; is</p> <p>19 that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Were you at all involved in producing copies or</p> <p>22 extracts of the driver's license database to be produced</p> <p>23 to the United States?</p> <p>24 A. The only involvement I had with any of the</p> <p>25 extracts, and I don't know where the extracts went to, was</p>  | <p>1 you?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Could you tell me whether this is a final copy of</p> <p>4 that dictionary, or is it in draft form?</p> <p>5 A. This is a final copy as of the date of the last</p> <p>6 revision.</p> <p>7 Q. And was the date of the last revision January 26,</p> <p>8 2012?</p> <p>9 A. No, the last revision was December -- I mean,</p> <p>10 February 16th, 2011.</p> <p>11 Q. Thank you for that correction.</p> <p>12 And is this the version of the dictionary</p> <p>13 currently in use?</p> <p>14 A. Yes, ma'am.</p> <p>15 MS. WESTFALL: Okay. I would now like to</p> <p>16 ask, Lindsey, if you could provide to the court reporter</p> <p>17 U.S. Exhibit No. 2 that we provided to you earlier, at the</p> <p>18 top of which is DPS.DL.layout for marking.</p> <p>19 THE REPORTER: And this will be Exhibit</p> <p>20 No. 5.</p> <p>21 MS. WESTFALL: Oh, this is 5. Okay. Sorry.</p> <p>22 THE REPORTER: No problem.</p> <p>23 (U.S. Exhibit 1 was marked.)</p> <p>24 MS. WESTFALL: Actually, could we call this</p> <p>25 U.S. Exhibit No. 1?</p>   |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 70..73**

| Page 70   | Page 72  |
|---|--|
| <p>1 (Discussion off the record.)</p> <p>2 A. Yes, I have it.</p> <p>3 Q. (BY MS. WESTFALL) Thank you.</p> <p>4 Ms. Martinez, have you seen this document before?</p> <p>5 A. No, I have not.</p> <p>6 Q. I am going to represent to you, and I'm sure your</p> <p>7 counsel will not hopefully disagree, that it is a list of</p> <p>8 fields from the driver's license database, is it not?</p> <p>9 A. Yes, those are fields that are representative in</p> <p>10 the database.</p> <p>11 Q. And I'm also going to represent to you, and I'm</p> <p>12 sure your counsel hopefully will not disagree again, that</p> <p>13 this is a list of fields that -- that have been provided</p> <p>14 to the United States as part of this litigation.</p> <p>15 So directing your attention to the first field,</p> <p>16 which is on the left-hand column called "Person ID."</p> <p>17 Do you see that?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Could you tell me what that field describes?</p> <p>20 A. What that field describes is a unique number</p> <p>21 within the database that the individual person record is</p> <p>22 assigned in order to link it to the multiple cards or</p> <p>23 other action that's taken on that record.</p> <p>24 Q. Thank you.</p> <p>25 So that number is generated when the person's</p> | <p>1 A. It's obtained from the individual.</p> <p>2 Q. And do you see the field underneath it entitled</p> <p>3 "Date of Birth"?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Could you describe that field for me?</p> <p>6 A. It's the applicant's birth date.</p> <p>7 Q. And how do you obtain that data?</p> <p>8 A. From the individual.</p> <p>9 Q. And do you see the field underneath that entitled</p> <p>10 "Race"?</p> <p>11 A. Yes.</p> <p>12 Q. And I believe you testified extensively about</p> <p>13 that field, did you not, earlier this morning?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And underneath "Race," it indicates "DL Number,"</p> <p>16 does it not?</p> <p>17 A. Yes.</p> <p>18 Q. What does that field represent?</p> <p>19 A. That's a number that is assigned to an individual</p> <p>20 that obtains an actual driver's license.</p> <p>21 Q. How does that number differ from the person ID</p> <p>22 that you testified about earlier at the top of Exhibit 1?</p> <p>23 A. The driver's license is a unique number for the</p> <p>24 actual driver's license number itself, the card. The</p> <p>25 person ID is a unique number for the entire person's</p>  |
| Page 71   | Page 73  |
| <p>1 information is entered into the database; is that correct?</p> <p>2 A. Yes. For the first time, yes.</p> <p>3 Q. Thank you.</p> <p>4 And do you see the next entry below "Person ID"</p> <p>5 called "Last Name"?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And could you describe that field for me, please?</p> <p>8 A. It is the last name of the individual, their</p> <p>9 surname, that is provided to us by the applicant.</p> <p>10 Q. Thank you.</p> <p>11 And do you see "First Name" listed under "Last</p> <p>12 Name"?</p> <p>13 A. Yes.</p> <p>14 Q. Could you describe that field for me?</p> <p>15 A. It's the first name of the applicant provided.</p> <p>16 Q. And likewise underneath "First Name," do you see</p> <p>17 "Middle Name"?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Could you describe that field for me?</p> <p>20 A. It's the middle name of the individual.</p> <p>21 Q. And underneath that, it says "SSN," does it not?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And what does that field stand for?</p> <p>24 A. The social security number.</p> <p>25 Q. And how is that number obtained?</p>  | <p>1 record.</p> <p>2 Q. So, in other words, the person ID number could</p> <p>3 refer to -- could be linked to a person who has a driver's</p> <p>4 license and other forms of ID that are maintained in the</p> <p>5 driver's license database; is that correct?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And underneath "DL Number," there is "Address</p> <p>8 Line No. 1," is there not?</p> <p>9 A. Yes.</p> <p>10 Q. And what does that field represent?</p> <p>11 A. It's a field that we can populate in their</p> <p>12 address.</p> <p>13 Q. Is that a mailing address or a home address?</p> <p>14 A. It's not specified here, so I don't know which</p> <p>15 field it was referencing.</p> <p>16 Q. If the field that is in the possession of the</p> <p>17 United States lists Address Line 1, how you would we know</p> <p>18 what address that referred to?</p> <p>19 A. We'd have to determine who did the -- asked for</p> <p>20 the information and what -- and information they asked</p> <p>21 for.</p> <p>22 Q. So I believe you testified earlier that you</p> <p>23 provided certain information or extracts and answered</p> <p>24 certain -- certain questions posed by you and your</p> <p>25 supervisor, Mr. Gomez; is that correct?</p> |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 74..77**

|  |   |
|--|---|
| <b>Page 74</b>   | <b>Page 76</b>  |
| 1 A. Yes.  | 1 Q. Unexpired, yes, ma'am.                                   |
| 2 Q. Would he be the one who would know what these           | 2 A. I would need the expiration date of the license.         |
| 3 fields mean?   | 3 Q. And what field would that be?                            |
| 4 A. I can't answer to what he would know. I -- I            | 4 A. Driver's license expiration date.                        |
| 5 don't know.  | 5 Q. Would you need any other fields besides that             |
| 6 Q. Turning your attention to "Address Line 2" below,       | 6 field?  |
| 7 do you know what that field refers to?                     | 7 A. No.  |
| 8 A. It's a continuation of the Address Line 1. If           | 8 Q. What about card status?                                  |
| 9 individual has an address that is longer than allowed in   | 9 A. No, that's not tied to the expiration date.              |
| 10 Address Line 1, it can be continued in address Line 2.    | 10 Q. What does card status represent?                        |
| 11 Q. And this, likewise, continues for fields "City"        | 11 A. The card status represents other action that is         |
| 12 and "State" and "ZIP code"; is that correct?              | 12 taken against a person's card that's not necessarily a     |
| 13 A. That's correct.  | 13 revocation or suspension.                                  |
| 14 Q. That would all be linked to the same address; is       | 14 Q. What about the field of issuance status?                |
| 15 that right?   | 15 A. The issuance status details whether or not the          |
| 16 A. Yes.   | 16 license is active within or outside of the expiration      |
| 17 Q. And do you see "County Code" underneath "ZIP           | 17 date -- or renewal period, I'm sorry. If it's active       |
| 18 Code"?  | 18 inside or outside the renewal period or if it's expired    |
| 19 A. Yes.   | 19 inside or outside of two years.                            |
| 20 Q. What does that refer to?                               | 20 Q. Looking again at U.S. Exhibit No. 1, would this         |
| 21 A. It's the code that's been assigned to the county       | 21 indicate who has a current personal ID card in Texas?      |
| 22 and the State of Texas.                                   | 22 A. No, it would not.                                       |
| 23 Q. Do you know whether a list of county codes has         | 23 Q. What information or fields would you need to be         |
| 24 been produced to the United States?                       | 24 able to determine that universe of individuals?            |
| 25 A. I do not know if it's been produced to the United      | 25 A. I would need to have the ID number.                     |
| <b>Page 75</b>   | <b>Page 77</b>  |
| 1 States, no.  | 1 Q. And could you -- could you clarify, do you mean          |
| 2 Q. Do you know who would know?                             | 2 you would need the personal ID number field?                |
| 3 A. No, I don't know.                                       | 3 A. No, I need the identification card number field.         |
| 4 Q. And do you see underneath "County Code" it lists        | 4 Q. Would you need any other fields to determine who         |
| 5 "Country"?   | 5 has a personal identification card that's current?          |
| 6 A. Yes, ma'am.   | 6 A. What do you mean by "current" again?                     |
| 7 Q. And what does that refer to?                            | 7 Q. One that is not expired?                                 |
| 8 A. That would be the country of where the                  | 8 A. Then I would need the expiration date of that            |
| 9 individual -- well, to be honest with you, I don't know    | 9 identification card.  |
| 10 which country field that they picked up, because we --    | 10 Q. Are there any other fields besides those two            |
| 11 Q. Wouldn't this only include people from the U.S.?       | 11 fields that -- that you would need to determine what --    |
| 12 A. I don't know what the parameters were for the          | 12 who has a personal identification card that's not expired? |
| 13 query.  | 13 A. No.   |
| 14 Q. One moment. I'm just looking at my notes.              | 14 Q. Thank you.  |
| 15 So based on this list, if you look at                     | 15 I believe you testified earlier about duplicate            |
| 16 U.S. Exhibit No. 1, would -- would an evaluation of these | 16 entries in the database; is that correct?                  |
| 17 fields indicate to you who has an unexpired driver's      | 17 A. I believe so.   |
| 18 license in Texas?   | 18 Q. And you testified that -- that sometimes one            |
| 19 A. No, it would not.                                      | 19 individual has more than one ID; is that correct?          |
| 20 Q. What additional fields would you need to be able       | 20 A. Not that they have more than one ID, but they           |
| 21 to answer that question?                                  | 21 could have a driver's license and an identification card.  |
| 22 A. And the question was for an unexpired driver's         | 22 Q. Thank you for that correction.                          |
| 23 license?  | 23 And I believe you testified that you did not know          |
| 24 Q. Correct.   | 24 the number or you could not estimate the total number of   |
| 25 A. I would need --  | 25 unique driver's license holders in the database; is that   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 78..81**

|   |   |
|---|---|
| <b>Page 78</b>  | <b>Page 80</b>  |
| 1 correct?  | 1 Q. Could you tell me how it is reflected in the             |
| 2 A. That's correct.                                      | 2 database if you have a suspended driver's license?          |
| 3 Q. Do you know who in your office would know the        | 3 A. That goes back to the field of issuance status           |
| 4 answer to that question?                                | 4 that I -- let me look up which -- the actual name of the    |
| 5 A. No.  | 5 field.  |
| 6 Q. And how long have you worked in that office,         | 6 MR. SWEETEN: Elizabeth, she's looking it up                 |
| 7 ma'am?  | 7 in the data dictionary, just to let you know what's going   |
| 8 A. For over 22 years.                                   | 8 on.   |
| 9 Q. Have you ever seen a document during your 22-year    | 9 MS. WESTFALL: Thank you.                                    |
| 10 employment that indicates the number of unique license | 10 MR. SWEETEN: Sure.   |
| 11 holders in the database?                               | 11 A. It would go back to the Field 340.                      |
| 12 A. Yes. Well --  | 12 Q. (BY MS. WESTFALL) Thank you.                            |
| 13 Q. Could you tell me what documents?                   | 13 How often is the database updated?                         |
| 14 MR. SWEETEN: Elizabeth, she's -- I don't               | 14 A. Can you clarify under what part you're asking           |
| 15 think she's finished answering the question. She's     | 15 about?   |
| 16 thinking about the answer.                             | 16 Q. It's -- in other words, is it a live database, or       |
| 17 MS. WESTFALL: My apologies.                            | 17 is it periodically updated?                                |
| 18 A. No, there's not a document that -- that does        | 18 A. It's -- we have both realtime updates and batch         |
| 19 that.  | 19 updates that are done.                                     |
| 20 Q. (BY MS. WESTFALL) Is there a query that could be    | 20 Q. How often do the batch updates occur?                   |
| 21 run in the database to make that determination?        | 21 A. Nightly.  |
| 22 A. It's possible to run -- run a query, yes.           | 22 Q. What are the batch updates?                             |
| 23 Q. Could you do that?                                  | 23 A. I don't have an exact listing of them.                  |
| 24 A. No, I could not.                                    | 24 Q. Could you generally describe what you know about        |
| 25 Q. Who could do that?                                  | 25 batch updates?   |
| <b>Page 79</b>  | <b>Page 81</b>  |
| 1 A. A programmer.  | 1 A. Batch updates would be dealing with running a --         |
| 2 Q. What department is that in your office?              | 2 a production file to generate the actual cards that were    |
| 3 A. That's our IT division.                              | 3 issued that day, the driver's license and ID cards, to      |
| 4 Q. Thank you.   | 4 send to our vendor to produce the actual license. A batch   |
| 5 How in the database is it reflected if you have         | 5 update dealing with updating the actual history for         |
| 6 an expired driver's license?                            | 6 accidents. And updates that are done through Texas          |
| 7 A. It's reflected based on the expiration date of       | 7 Online, where individuals renew or get a change of          |
| 8 the license, would show a date that's passed. And then  | 8 address, those are run at a -- on a nightly basis.          |
| 9 the -- the issuance status, which would be expired more | 9 Q. And that's -- that's a daily basis?                      |
| 10 than two years, expired less than two years.           | 10 A. Yes, ma'am.   |
| 11 Q. Do you ever purge records from the driver's         | 11 Q. Once a day. Thank you.                                  |
| 12 license database?                                      | 12 Is there an identifier of the unlicensed records           |
| 13 MR. SWEETEN: Objection; outside the scope.             | 13 in the database?   |
| 14 Q. (BY MS. WESTFALL) You may answer.                   | 14 A. No, not a -- no.  |
| 15 A. At this point, we don't.                            | 15 Q. And is there a numerical prefix applied to any          |
| 16 Q. Was there a point when you did in the past?         | 16 field for a UNL record, an unlicensed record?              |
| 17 MR. SWEETEN: Objection; outside the scope.             | 17 A. No.   |
| 18 Go ahead.  | 18 Q. And I believe you testified earlier there are           |
| 19 Q. (BY MS. WESTFALL) You may answer.                   | 19 occupational licenses that are maintained in the database; |
| 20 A. Yes, there was.                                     | 20 is that correct?   |
| 21 Q. When -- and when -- when did that stop? When did    | 21 A. Yes.  |
| 22 that practice end?                                     | 22 Q. Are there any occupational licenses maintained in       |
| 23 MR. SWEETEN: Same objection.                           | 23 the database that include a photograph of the license      |
| 24 Q. (BY MS. WESTFALL) You may answer.                   | 24 holder?  |
| 25 A. When we moved to the new system in April of 2009.   | 25 A. Yes.  |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 82..85**

|   |  |
|---|--|
| <b>Page 82</b>  | <b>Page 84</b>   |
| 1 Q. Which -- and which occupational licenses are           | 1 MR. ROSENBERG: I just have one follow-up,                |
| 2 those?  | 2 if I may, to what Elizabeth just discussed with the      |
| 3 A. That would be any occupational license that is         | 3 witness.   |
| 4 issued.   | 4 EXAMINATION  |
| 5 Q. How many different types are there,                    | 5 BY MR. ROSENBERG:  |
| 6 approximately?  | 6 Q. Ms. Martinez, turning back to U.S. Exhibit No. 1.     |
| 7 MR. SWEETEN: Outside the scope. Objection.                | 7 The last two lines underneath where it says              |
| 8 Go ahead.   | 8 DPS.DL.race.txt.   |
| 9 Q. (BY MS. WESTFALL) You may answer.                      | 9 A. Yes, sir.   |
| 10 A. When you're saying "how many different types,"        | 10 Q. It says: Race -- underline code, and then race       |
| 11 different types of what?                                 | 11 underline DESC. Can you tell me what those refer to?    |
| 12 MR. SWEETEN: How many types of                           | 12 A. The code would be a one-digit code in the            |
| 13 occupational --  | 13 database such as the I and the H. And then the          |
| 14 Q. (BY MS. WESTFALL) Of occupational licenses.           | 14 description would actually spell out what that code is. |
| 15 MR. SWEETEN: Okay.                                       | 15 Q. Thank you.   |
| 16 A. There's -- there's only one type of occupational      | 16 MR. ROSENBERG: I don't have any further                 |
| 17 license.   | 17 questions.  |
| 18 Q. (BY MS. WESTFALL) My apologies. I didn't              | 18 MR. SWEETEN: No questions. Thank you.                   |
| 19 understand your testimony. Thank you for that            | 19 (THE DEPOSITION CONCLUDED AT 1:14 P.M.)                 |
| 20 clarification.   | 20   |
| 21 Okay. And is the person ID that you testified            | 21   |
| 22 about earlier on U.S. Exhibit 1, is that used outside of | 22   |
| 23 the dat- -- of the driver's license database?            | 23   |
| 24 A. And I apologize, I missed part of the question.       | 24   |
| 25 Repeat it, please.                                       | 25   |
| <b>Page 83</b>  | <b>Page 85</b>   |
| 1 Q. Certainly.   | 1 CHANGES AND SIGNATURE                                    |
| 2 It -- we -- we discussed earlier in your                  | 2 PAGE LINE CHANGE REASON                                  |
| 3 testimony the person ID field on U.S. Exhibit 1. Do you   | 3 _____  |
| 4 remember that?  | 4 _____  |
| 5 A. Yes, ma'am.  | 5 _____  |
| 6 Q. And -- and you told me that was a unique number        | 6 _____  |
| 7 that's generated within the driver's license database; is | 7 _____  |
| 8 that correct?   | 8 _____  |
| 9 A. Yes.   | 9 _____  |
| 10 Q. Is that number used at all for any purposes by        | 10 _____   |
| 11 the State outside of the driver's license database?      | 11 _____   |
| 12 A. Not that I'm aware of.                                | 12 _____   |
| 13 Q. Thank you.  | 13 _____   |
| 14 Let me just check over my notes, and I may be            | 14 _____   |
| 15 done with you shortly. I appreciate your time. Hold on   | 15 _____   |
| 16 one moment.  | 16 _____   |
| 17 Do you know who in your office was involved in           | 17 _____   |
| 18 reviewing the database to respond to inquiries from the  | 18 _____   |
| 19 United States about the administrative submission of the | 19 _____   |
| 20 photo ID law?  | 20 _____   |
| 21 MR. SWEETEN: Objection; outside the scope.               | 21 _____   |
| 22 Go ahead, you can answer.                                | 22 _____   |
| 23 A. No, I'm not aware.                                    | 23 _____   |
| 24 MS. WESTFALL: I have no further questions.               | 24 _____   |
| 25 Thank you for your time.                                 | 25 _____   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Pages 86..89**

|  |   |
|--|---|
| <b>Page 86</b>   | <b>Page 88</b>  |
| <p>1 I, GERMAINE MARY MARTINEZ, have read the<br/> 2 foregoing deposition and hereby affix my signature that<br/> 3 same is true and correct, except as noted above.<br/> 4<br/> 5 _____<br/> 6 GERMAINE MARY MARTINEZ<br/> 7<br/> 8 THE STATE OF _____)<br/> 9 COUNTY OF _____)<br/> 10<br/> 11 Before me, _____, on this<br/> 12 day personally appeared GERMAINE MARY MARTINEZ, known to<br/> 13 me (or proved to me under oath or through<br/> 14 _____) (description of identity card<br/> 15 or other document)) to be the person whose name is<br/> 16 subscribed to the foregoing instrument and acknowledged to<br/> 17 me that they executed the same for the purposes and<br/> 18 consideration therein expressed.<br/> 19 Given under my hand and seal of office this<br/> 20 _____ day of _____, _____.<br/> 21<br/> 22 _____<br/> 23 NOTARY PUBLIC IN AND FOR<br/> 24 THE STATE OF _____<br/> 25 COMMISSION EXPIRES: _____</p> | <p>1 REPORTER'S CERTIFICATION<br/> 2 DEPOSITION OF GERMAINE MARY MARTINEZ<br/> 3 April 17, 2012<br/> 4<br/> 5 I, Tamara K. Chapman, Certified Shorthand Reporter in<br/> 6 and for the State of Texas, hereby certify to the<br/> 7 following:<br/> 8 That the witness, GERMAINE MARY MARTINEZ, was duly<br/> 9 sworn by the officer and that the transcript of the oral<br/> 10 deposition is a true record of the testimony given by the<br/> 11 witness;<br/> 12 That the deposition transcript was submitted on<br/> 13 _____ to the witness or to the attorney for<br/> 14 the witness for examination, signature and return to me by<br/> 15 _____;<br/> 16 That the amount of time used by each party at the<br/> 17 deposition is as follows:<br/> 18 MR. ROSENBERG - 1:50<br/> 19 MS. WESTFALL - 00:23<br/> 20 MR. SWEETEN - 00:00<br/> 21 MS. PÉREZ - 00:00<br/> 22 MS. PERALES - 00:00<br/> 23 MR. JOHNSON - 00:00<br/> 24 MS. MURPHY - 00:00<br/> 25 That pursuant to information given to the deposition<br/> 26 officer at the time said testimony was taken, the</p>   |
| <b>Page 87</b>   | <b>Page 89</b>  |
| <p>1 IN THE UNITED STATES DISTRICT COURT<br/> 2 FOR THE DISTRICT OF COLUMBIA<br/> 3<br/> 4 STATE OF TEXAS, )<br/> 5 )<br/> 6 Plaintiff, )<br/> 7 )<br/> 8 VS. )<br/> 9 )<br/> 10 )<br/> 11 )<br/> 12 )<br/> 13 )<br/> 14 )<br/> 15 )<br/> 16 )<br/> 17 )<br/> 18 )<br/> 19 )<br/> 20 )<br/> 21 )<br/> 22 )<br/> 23 )<br/> 24 )<br/> 25 )</p> <p>CASE NO: 1:11-CV-00128<br/> RMC-DST-RLW</p> <p>ERIC H. HOLDER, JR., IN<br/> HIS OFFICIAL CAPACITY AS<br/> ATTORNEY GENERAL OF THE<br/> UNITED STATES,<br/> Defendant,<br/> ERIC KENNIE, ET AL.,<br/> Defendant-Intervenors,<br/> TEXAS STATE CONFERENCE OF<br/> NAACP BRANCHES, ET AL.,<br/> Defendant-Intervenors,<br/> TEXAS LEAGUE OF YOUNG<br/> VOTERS EDUCATION FUND, ET<br/> AL.,<br/> Defendant-Intervenors,<br/> TEXAS LEGISLATIVE BLACK<br/> CAUCUS, ET AL.,<br/> Defendant-Intervenors,<br/> VICTORIA RODRIGUEZ, ET<br/> AL.,<br/> Defendant-Intervenors.</p>                      | <p>1 following includes counsel for all parties of record:<br/> 2 Mr. Patrick Sweeten - FOR THE PLAINTIFF STATE OF<br/> 3 TEXAS<br/> 4 Ms. Myrna Pérez - FOR TEXAS NAACP STATE CONFERENCE<br/> 5 AND THE MEXICAN AMERICAN LEGISLATIVE CAUCUS<br/> 6 Ms. Elizabeth S. Westfall - FOR THE DEFENDANT ERIC H.<br/> 7 HOLDER, JR., IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL<br/> 8 OF THE UNITED STATES<br/> 9 Mr. Ezra D. Rosenberg - FOR DEFENDANT INTERVENORS<br/> 10 TEXAS STATE CONFERENCE OF NAACP BRANCHES AND THE MEXICAN<br/> 11 AMERICAN LEGISLATIVE CAUCUS OF THE TEXAS HOUSE OF<br/> 12 REPRESENTATIVES<br/> 13 Mr. Gregory K. Johnson - FOR THE TEXAS LEAGUE OF<br/> 14 YOUNG VOTERS EDUCATION FUND:<br/> 15 Ms. Kathleen T. Murphy - FOR THE DEPARTMENT OF PUBLIC<br/> 16 SAFETY<br/> 17 Ms. Nina Perales - FOR VICTOR RODRIGUEZ, NICOLE<br/> 18 RODRIGUEZ, SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT,<br/> 19 MI FAMILIA VOTA EDUCATION FUND:<br/> 20 I further certify that I am neither counsel for,<br/> 21 related to, nor employed by any of the parties or<br/> 22 attorneys in the action in which this proceeding was<br/> 23 taken, and further that I am not financially or otherwise<br/> 24 interested in the outcome of the action.<br/> 25</p> |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Page 90**

Page 90

1 Certified to by me 18th day of April, 2012.

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4

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**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: 08540-6531..56**

|                   |              |               |                 |             |            |               |
|-------------------|--------------|---------------|-----------------|-------------|------------|---------------|
|                   | <b>14th</b>  | 2:15          | <b>209</b>      | 2:14        | <b>300</b> | 4:23          |
| <b>0</b>          |              | 15:11         | <b>22</b>       | 20:1 78:8   | <b>306</b> | 46:24         |
| <b>08540-6531</b> | <b>15th</b>  | 3:5           | <b>22-year</b>  | 78:9        |            | 47:4 53:13    |
| 3:23              | <b>161</b>   | 3:11          | <b>23</b>       | 22:25       | <b>31</b>  | 43:24, 25     |
| <b>1</b>          | <b>16th</b>  | 69:10         |                 | 23:4, 14    | <b>312</b> | 6:21          |
|                   | <b>17</b>    | 2:11 6:17     |                 | 24:7, 20    | <b>32</b>  | 43:24,        |
| <b>1</b>          | <b>171</b>   | 47:23         |                 | 26:2 29:4   |            | 55:25         |
| 6:12, 15, 16      | <b>17th</b>  | 4:13          |                 | 30:1 31:13  | <b>340</b> | 46:12         |
| 9:7, 8 10:22      | <b>1919</b>  | 41:15         |                 | 33:14 34:3  |            | 47:4 48:17,   |
| 11:5 27:6         |              | 43:7          |                 | 49:22 50:2, |            | 18, 20, 21    |
| 43:5, 10          | <b>1:14</b>  | 84:19         | <b>234</b>      | 57:11       |            | 53:8 54:25    |
| 69:23, 25         |              |               | <b>249</b>      | 54:22       | <b>37</b>  | 63:16 80:11   |
| 72:22 73:8,       | <b>2</b>     |               | <b>255</b>      | 36:4        |            | 45:13         |
| 17 74:8, 10       |              |               | <b>256</b>      | 36:25       | <b>374</b> | 54:10,        |
| 75:16 76:20       |              |               |                 | 37:9        |            | 13, 14        |
| 82:22 83:3        | <b>2</b>     | 6:17, 19, 23  | <b>26</b>       | 35:12, 15   | <b>4</b>   |               |
| 84:6              |              | 17:11, 12, 14 |                 | 40:19 59:2, | <b>4</b>   | 6:22          |
| <b>10013</b>      |              | 19:4 30:14    | <b>264</b>      | 22 69:7     |            | 40:13, 15, 25 |
| <b>11</b>         |              | 69:17 74:6,   |                 |             | <b>40</b>  | 6:22          |
| <b>113</b>        |              | 10            | <b>265</b>      |             | <b>400</b> | 4:8           |
| <b>115</b>        | <b>20</b>    | 6:20          |                 | 62:18       | <b>47</b>  | 43:6          |
|                   | <b>20005</b> | 4:8           | <b>27</b>       | 14:22, 23   | <b>48</b>  | 43:6          |
| <b>11:00</b>      | <b>20006</b> | 4:13          | <b>297</b>      | 65:9        | <b>5</b>   |               |
| <b>11:14</b>      | <b>2009</b>  | 23:6, 7       |                 |             | <b>5</b>   | 68:13         |
| <b>11:20</b>      |              | 24:1 34:13,   | <b>3</b>        |             |            | 69:20, 21     |
| <b>11:30</b>      |              | 14, 25 60:9   | <b>3</b>        | 6:20 11:6   | <b>500</b> | 3:23          |
| <b>12</b>         |              | 79:25         |                 | 20:22 23:5  | <b>55</b>  | 36:5          |
| <b>123</b>        | <b>2010</b>  | 4:3           |                 | 28:20 68:24 | <b>56</b>  | 36:25         |
| <b>12th</b>       |              |               | <b>30(b)(6)</b> |             |            |               |
| <b>135</b>        | <b>2011</b>  | 18:3, 16      |                 | 7:12        |            |               |
| <b>138</b>        |              | 68:13 69:10   |                 |             |            |               |
| <b>1401</b>       | <b>2012</b>  | 2:12          |                 |             |            |               |
| <b>143</b>        |              | 68:15 69:8    |                 |             |            |               |
|                   | <b>20530</b> | 3:17          |                 |             |            |               |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: 5805..appears**

|       |         |              |        |                |        |           |          |
|-------|---------|--------------|--------|----------------|--------|-----------|----------|
| 5805  | 4:18    | 9:29         | 2:12   | 50:6           | 65:13  | 19:6      | 30:12,   |
|       |         | 9th          | 41:15  | 72:20,         | 24     | 15        | 31:3,11  |
|       | 6       |              |        | 80:4           | 81:2,  | 33:7,     | 23       |
|       |         |              | A      | 4,5            |        | 38:8      | 42:3     |
| 642   | 39:23   |              |        | added          | 12:13  | 50:5      | 62:6,    |
| 65    | 65:9    | a.m.         | 2:12   | 63:6,          | 10     | 68:20     | 79:18    |
| 67    | 6:5     | ability      | 11:4   | additional     |        | 82:8      | 83:22    |
| 6th   | 4:3     | above-styled |        | 75:20          |        | alien     | 37:1,6,  |
|       |         | 2:11         |        | address        | 41:16  | 11        |          |
|       | 7       | Abroad       | 39:25  | 42:9,10,11,    |        | alive     | 43:14    |
| 7     | 6:4     | accept       | 23:20, | 14,18,19,23    |        | all-day   | 8:19     |
| 70    | 6:15    | 23           |        | 43:1           | 44:12, | allowed   |          |
| 7202  | 3:17    | accessed     | 16:8   | 13,15,16       |        | 23:13,19  |          |
| 74    | 54:12   | accessible   |        | 73:7,12,13,    |        | 74:9      |          |
| 78205 | 4:24    | 16:6         |        | 17,18          | 74:6,  | ALR       | 47:10    |
| 78701 | 4:4     | accidents    |        | 8,9,10,14      |        | American  | 3:9,     |
| 78773 | 4:18    | 81:6         |        | 81:8           |        | 21        | 4:1      |
|       |         | accuracy     | 68:4   | admin          | 65:7,8 | 30:4      | 31:17    |
|       | 8       | ACD          | 63:24  | administrative |        | Americas  | 3:11     |
| 8     | 19:2    | action       | 47:8,  | 45:9           | 47:10  | AMVA      | 64:10,11 |
| 801   | 4:13    | 11,23        | 48:3,  | 53:15,17,      |        | answering |          |
| 84    | 6:6     | 4,5,10,13,   |        | 21,23          | 68:12  | 78:15     |          |
|       |         | 14           | 51:3   | 83:19          |        | answers   | 7:20     |
|       |         | 65:13        | 67:10  | administrator  |        | Antonio   | 4:24     |
|       | 9       | 70:23        | 76:11  | 9:16           | 10:1,  | anymore   | 32:20    |
| 9     | 6:12,14 | actions      | 53:21  | 2,19           |        | anyplace  | 28:3     |
|       | 18:18   | 65:11        |        | advice         | 9:1    | apologies |          |
|       | 19:4    | active       | 47:1   | afield         | 18:23  | 78:17     | 82:18    |
| 902   | 3:23    | 65:16,25     |        | agencies       | 29:2   | apologize |          |
| 94    | 43:7,10 | 66:17,23     |        | agree          | 36:9   | 82:24     |          |
| 950   | 3:17    | 76:16,17     |        | 37:8,10        |        | appears   | 24:20    |
|       |         | actual       | 32:14  | 38:18          |        |           |          |
|       |         | 46:7,23      |        | ahead          | 10:16  |           |          |
|       |         |              |        | 18:1,22,25     |        |           |          |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: applicant..believes**

|                           |                      |                      |                      |
|---------------------------|----------------------|----------------------|----------------------|
| <b>applicant</b>          | <b>applying</b>      | <b>assist</b> 21:25  | 27:6,9,10            |
| 16:21 17:3                | 29:11 40:21          | <b>assume</b> 13:4   | 29:4 35:7            |
| 34:22 35:8                | 59:14                | 26:22 41:21          | 39:13 48:19          |
| 38:3,16                   | <b>appointment</b>   | <b>attached</b> 2:17 | 49:22 50:3           |
| 39:6,16                   | 64:23                | <b>attention</b>     | 51:19,20             |
| 40:20 57:6,               | <b>approximate</b>   | 11:6 18:8            | 52:17,21             |
| 7 61:19                   | 17:22                | 21:22 22:24          | 56:24 61:11          |
| 71:9,15                   | <b>approximately</b> | 35:11 36:4           | 63:5,16              |
| <b>applicant's</b>        | 10:11 14:19          | 41:11 45:12          | 80:3,11              |
| 72:6                      | 82:6                 | 68:23 70:15          | 84:6                 |
| <b>applicant-provided</b> | <b>April</b> 15:11   | 74:6                 | <b>base</b> 65:18    |
| 57:5                      | 23:6,7 24:1          | <b>attorney</b> 3:4, | <b>based</b> 34:21   |
| <b>applicants</b>         | 34:13,14,25          | 14 8:22,25           | 39:20 45:5           |
| 51:6,13                   | 60:9 79:25           | 37:24                | 47:17 48:9,          |
| <b>application</b>        | <b>archive</b> 20:7  | <b>attorney's</b>    | 12 50:9              |
| 6:18 17:11,               | <b>area</b> 8:3      | 9:1                  | 53:22 75:15          |
| 17,19 18:4,               | 32:13 40:18          | <b>Austin</b> 2:15   | 79:7                 |
| 15 19:9                   | 62:9                 | 3:6 4:4,             | <b>basic</b> 24:23   |
| 20:4,8,12,                | <b>areas</b> 11:5,15 | 26:18                | 27:22 28:1           |
| 16 27:15                  | <b>argument</b> 39:1 | <b>Ave</b> 3:17      | 51:24                |
| 34:22 35:10               | <b>argumentative</b> | <b>Avenue</b> 3:11   | <b>basically</b>     |
| 36:15 39:20               | 39:3                 | 4:8                  | 66:9                 |
| 40:6 51:15                | <b>Asian/pacific</b> | <b>aware</b> 12:24   | <b>basis</b> 81:8,9  |
| 57:3 59:10                | 30:6 31:17           | 14:13,14             | <b>batch</b> 80:18,  |
| 63:4                      | <b>asks</b> 32:8     | 20:6 24:8            | 20,22,25             |
| <b>applications</b>       | 33:17                | 28:18 32:16          | 81:1,4               |
| 10:8 17:2                 | <b>aspects</b> 8:6   | 36:24 65:2           | <b>Bates</b> 6:14,   |
| 20:10                     | 28:12                | 67:3 68:4,           | 16,19,21,23          |
| <b>applied</b> 50:24      | <b>assigned</b> 52:1 | 9,14,22              | <b>beautiful</b>     |
| 56:23 81:15               | 62:18 63:7           | 83:12,23             | 26:18                |
| <b>applies</b> 32:23      | 70:22 72:19          | <hr/>                | <b>began</b> 35:16,  |
| <b>apply</b> 16:22,       | 74:21                | <b>B</b>             | 20 48:13             |
| 25 17:3,6,                |                      | <b>back</b> 22:13    | <b>belief</b> 31:6   |
| 7,8 51:16                 |                      | 26:15,17             | <b>believes</b> 26:8 |
| 61:11 64:24               |                      |                      |                      |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: birth..citizen**

|                                     |                      |                      |                      |
|-------------------------------------|----------------------|----------------------|----------------------|
| 31:24                               | <b>Brissenden</b>    | 47:17,19             | <b>CDL</b> 49:20     |
| <b>birth</b> 41:14                  | 3:4                  | 50:7,15,             | <b>Center</b> 3:10,  |
| 43:7 61:9                           | <b>Broadway</b> 4:23 | 51:25 52:4,          | 23                   |
| 72:3,6                              | <b>broke</b> 29:5,8  | 20,25                | <b>certificate</b>   |
| <b>bit</b> 26:21                    | <b>bunch</b> 7:20    | 53:12,16             | 54:22 57:23          |
| 27:10                               |                      | 56:5 57:18,          | 61:9                 |
| <b>bkengle@lawyerscommittee.org</b> |                      | 19 58:11             |                      |
| 4:9                                 |                      | 61:12 64:19          | <b>change</b> 35:9   |
| <b>black</b> 29:14                  | <b>call</b> 26:18,   | 65:17 66:18          | 55:2 63:12           |
| 30:2 31:18                          | 22,23 28:11          | 72:24 76:8,          | 81:7                 |
| 33:20                               | 50:8 69:24           | 10,11,12,21          | <b>changed</b> 56:24 |
| <b>blank</b> 19:12                  | <b>called</b> 7:8,   | 77:3,5,9,            | 63:13                |
| 32:23                               | 11,22 23:8           | 12,21                |                      |
| 33:16,20                            | 46:20,23             | <b>cards</b> 17:18   | <b>Chapman</b> 2:13  |
| 49:4,24                             | 51:15 53:6,          | 44:13 66:1,          | <b>check</b> 58:17,  |
| 50:14,18,19                         | 15 70:16             | 24 70:22             | 18,20 83:14          |
| <b>book</b> 7:22                    | 71:5                 | 81:2,3               | <b>check-off</b>     |
| <b>Born</b> 39:24                   | <b>calls</b> 34:5    | <b>career</b> 10:14  | 18:10,11             |
| <b>bottom</b> 49:16                 | <b>canceled</b> 45:2 | <b>Carnegie</b> 3:23 | <b>child</b> 51:17   |
| <b>Boulevard</b>                    | <b>CAPACITY</b> 3:14 | <b>case</b> 7:10,24  | <b>choice</b> 29:24  |
| 4:18                                | <b>caption</b> 11:12 | 12:3,16              | <b>choose</b> 29:12  |
| <b>box</b> 18:10,11                 | <b>capture</b> 56:5  | 14:10 26:13          | 31:25                |
| <b>Branches</b> 2:8                 | <b>captured</b>      | <b>cases</b> 28:11,  | 33:24,25             |
| 3:21 4:1                            | 13:15 47:3           | 14                   | <b>chooses</b> 34:8  |
| 7:9                                 | 48:7                 | <b>categories</b>    | 47:17                |
| <b>break</b> 8:18,20                | <b>capturing</b>     | 26:8,9               | <b>chose</b> 34:20   |
| 26:12,14,16                         | 29:17                | 31:24 34:2           | 35:9                 |
| 54:6,7                              | <b>card</b> 6:18     | <b>categorize</b>    | <b>circumstance</b>  |
| 58:13,15                            | 13:22 14:4,          | 31:19                | 33:21                |
| 64:13 65:6                          | 7,24 15:4,           | 33:13,15             | <b>circumstances</b> |
| 67:13                               | 22 20:5,13           | <b>category</b> 32:8 | 50:18 51:7           |
| <b>BRENNAN</b> 3:10                 | 44:10,17             | 33:17                | 59:24                |
|                                     | 45:4,9,22            | <b>Caucus</b> 3:9,21 | <b>citizen</b> 35:13 |
|                                     | 46:7,13              | 4:1 7:9              | 37:19 39:24          |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: citizens..couple**

|                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| <b>citizens</b>      | <b>collected</b>     | 26:21 27:4           | 25                   |
| 52:6,12              | 60:4                 |                      |                      |
| <b>citizenship</b>   | <b>collecting</b>    | <b>confiscated</b>   | <b>correct</b> 31:14 |
| 35:22 36:2,          | 60:1                 | 47:2,6               | 32:24 33:3,          |
| 7,10,20,22           |                      | <b>confiscation</b>  | 9 34:25              |
| 37:9 38:1,           | <b>column</b> 24:9   | 47:9                 | 35:2 40:25           |
| 4,19,22              | 26:1 43:11,          | <b>conjunction</b>   | 41:1,23,24           |
| 40:19 59:1,          | 24 44:3              | 68:12                | 48:21 60:9           |
| 3,8 60:2,4,          | 70:16                | <b>connection</b>    | 61:3 67:19           |
| 6,8,24               | <b>combined</b>      | 11:20 26:13          | 71:1 73:5,           |
| 61:4,5,8,14          | 49:18                | 41:5                 | 25 74:12,13          |
| <b>city</b> 41:16    | <b>commercial</b>    | <b>considered</b>    | 75:24                |
| 74:11                | 54:17,19             | 24:2                 | 77:16,19             |
| <b>Civil</b> 2:16    | <b>committed</b>     | <b>contact</b> 64:22 | 78:1,2               |
| 3:5,16 4:7           | 57:8                 | <b>contained</b>     | 81:20 83:8           |
| <b>clarification</b> | <b>COMMITTEE</b> 4:7 | 11:7                 | <b>correction</b>    |
| 82:20                | <b>compared</b>      | <b>context</b> 11:24 | 69:11 77:22          |
| <b>clarify</b> 20:9  | 15:4,21,22           | <b>continuation</b>  | <b>corrections</b>   |
| 25:15 30:19          | <b>complete</b>      | 74:8                 | 9:20                 |
| 55:4 64:7            | 36:16                | <b>continued</b> 4:2 | <b>correctly</b>     |
| 77:1 80:14           | <b>completely</b>    | 74:10                | 29:9                 |
| <b>clear</b> 13:17   | 22:6                 | <b>continues</b>     | <b>counsel</b> 4:17  |
| 22:11 25:4           | <b>compliance</b>    | 74:11                | 42:3 67:10           |
| 30:24 32:22          | 10:20                | <b>conviction</b>    | 70:7,12              |
| 42:24                | <b>complicated</b>   | 51:1                 | <b>country</b> 36:7  |
| <b>clearcut</b>      | 48:1                 | <b>convicts</b>      | 75:5,8,10            |
| 35:19                | <b>Complies</b>      | 50:10                | <b>county</b> 20:17  |
| <b>Clerk</b> 5:1     | 57:12                | <b>copies</b> 67:17, | 41:18                |
| <b>code</b> 42:21    | <b>concerns</b> 68:4 | 21 68:11             | 42:16,20,21          |
| 74:12,17,            | <b>CONCLUDED</b>     | <b>copy</b> 69:3,5   | 74:17,21,23          |
| 18,21 75:4           | 84:19                | <b>corporate</b>     | 75:4                 |
| 84:10,12,14          | <b>conference</b>    | 15:7,25              | <b>couple</b> 7:13,  |
| <b>codes</b> 74:23   | 2:8 3:9,20           | 18:18 30:8,          | 17 12:18,25          |
| <b>collect</b> 61:4  | 4:1 7:8              |                      | 27:11 28:16          |
|                      |                      |                      | 58:25                |

## STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.

1:11-CV-00128

Germaine Mary Martinez on 04/17/2012 Index: couple-minute..Depending

|                          |                 |             |                 |                               |
|--------------------------|-----------------|-------------|-----------------|-------------------------------|
| <b>couple-minute</b>     | <b>dat-</b>     | 82:23       | 79:5,12         | 4                             |
| 26:14                    | <b>data</b>     | 6:20        | 80:2,13,16      | <b>December</b>               |
| <b>court</b>             | 7:21            | 12:2 15:14, | 81:13,19,       | 41:15 69:9                    |
| 8:12 26:13               |                 | 15 20:20    | 82:23 83:7,     | <b>Dechert</b>                |
| 39:12 50:10              |                 | 21:10       | 11,18 84:13     | 3:22                          |
| 51:1 69:16               |                 | 22:19,20    | <b>date</b>     | 4:3 7:8                       |
| <b>cover</b>             | 14:23           | 28:17,22    | 35:16 41:15     | <b>decide</b>                 |
| 29:7 62:11               |                 | 41:4,5,12   | 45:6 48:13      | 8:25                          |
| <b>covered</b>           | 13:20           | 42:6 46:10  | 69:5,7          | 33:13,15                      |
| 15:13                    |                 | 47:3,4,5    | 72:3,6          | <b>decided</b>                |
| <b>covers</b>            | 26:5            | 56:20 62:2  | 76:2,4,9,17     | 29:11                         |
|                          |                 | 68:25 80:7  | 77:8 79:7,8     | <b>deciding</b>               |
| <b>criteria</b>          | <b>database</b> | 6:14        | <b>dates</b>    | 33:12                         |
| 27:17,22                 | 10:24           |             | 43:7            | <b>deemed</b>                 |
| 28:1,2                   | 11:18,19        |             | 48:4,12         | 57:7                          |
| 43:17                    | 12:16,23        |             | <b>day</b>      | <b>defective</b>              |
| <b>criteria</b>          | 13:9,11,16,     |             | 81:3,11         | 57:8                          |
| 29:12                    | 20 14:10,       |             | DC 3:17 4:13    | <b>defendant</b>              |
| <b>CSR</b>               | 18,22 15:3,     |             | DDL 23:9        | 2:7                           |
| 2:13                     | 21 16:10,       |             | 24:6 34:15      | 3:14,20 4:1                   |
| <b>current</b>           | 18:20 24:16     |             | 35:17           | 10:23 67:10                   |
| 48:13                    | 28:17 30:21     |             | <b>deal</b>     | <b>Defendant-intervenors'</b> |
| 65:16,25                 | 31:8 32:12      |             | 28:12           | 6:13                          |
| 66:23 76:21              | 38:24 41:4      |             | 34:18           | <b>definition</b>             |
| 77:5,6                   | 43:14 45:23     |             | <b>dealing</b>  | 22:2 44:23,                   |
| <b>customer</b>          | 49:24 51:5,     |             | 8:2             | 25 45:1,4                     |
| 24:10 25:8,              | 13 55:20        |             | 13:25 32:13     | <b>denied</b>                 |
| 13                       | 58:17,18,21     |             | 37:1 40:3,      | 45:3                          |
|                          | 59:1,2,21,      |             | 19 47:9         | <b>department</b>             |
|                          | 25 62:3,10,     |             | 48:2 49:22      | 4:16,17                       |
| <b>D</b>                 | 12 63:6,7       |             | 53:4 54:15      | 9:14 16:22,                   |
|                          | 67:18,22        |             | 62:22 81:1,     | 25 18:4                       |
| <b>D.C.</b>              | 68:5,11,12,     |             | 5               | 19:8,25                       |
| 4:8                      | 16 70:8,10,     |             | <b>deals</b>    | 33:12,15                      |
| <b>daily</b>             | 21 71:1         |             | 28:6            | 58:21 79:2                    |
| <b>Daniel</b>            | 73:5 77:16,     |             | 32:10 37:3      | <b>depend</b>                 |
| daniel.freeman@usdoj.gov | 25 78:11,21     |             | 53:21           | 44:23                         |
| 3:18                     |                 |             | <b>deceased</b> | <b>Depending</b>              |
|                          |                 |             | 49:9,15,17      | 48:4                          |
|                          |                 |             | 54:22 64:3,     |                               |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: deposited..DPS**

|                       |                     |                         |                      |
|-----------------------|---------------------|-------------------------|----------------------|
| <b>deposed</b> 7:15   | <b>determine</b>    | <b>directing</b>        | 14,20 22:4,          |
|                       | 48:6,15             | 70:15                   | 10,21,23             |
| <b>deposition</b>     | 51:24               | <b>directions</b>       | 23:6,11              |
| 2:6 6:13              | 61:19,23            | 56:16,20                | 24:6 28:17,          |
| 7:18 9:7              | 65:16,22            | <b>directs</b> 8:25     | 22,23,24             |
| 10:23 84:19           | 66:23 73:19         | <b>disagree</b>         | 30:20 31:9,          |
| <b>depositions</b>    | 76:24 77:4,         | 15:12 70:7,             | 19 35:21             |
| 8:19                  | 11                  | 12                      | 41:5 44:21           |
| <b>deputy</b> 9:16    | <b>determined</b>   | <b>discussed</b>        | 49:2 51:5            |
| 10:1,2                | 56:17,19            |                         | 62:10 68:25          |
| <b>DESC</b> 84:11     | 64:17               | 53:14 55:4              | <b>DLS'S</b> 58:6    |
| <b>describe</b>       | <b>determines</b>   | 84:2                    | <b>document</b> 11:1 |
| 16:18 28:9            | 64:14               | <b>discussing</b>       | 12:11 20:24          |
| 45:19 59:24           | <b>DHS</b> 37:15    | 40:19                   | 21:3,6,9,            |
| 71:7,14,19            | <b>dictionary</b>   | <b>discussion</b>       | 12,15,19,23          |
| 72:5 80:24            | 6:20 12:2           | 39:14 70:1              | 22:3,9,25            |
| <b>describes</b>      | 20:20 21:10         | <b>disqualification</b> | 35:12 37:5           |
| 57:1 70:19,           | 22:19,21            | 48:12                   | 40:24 41:3,          |
| 20                    | 28:17,23            | <b>distinguish</b>      | 6 43:23              |
| <b>description</b>    | 46:10 68:25         | 52:10 55:12             | 44:20 52:23          |
| 24:9 38:15            | 69:4,12             | <b>distributed</b>      | 54:4 66:3            |
| 39:5 62:1             | 80:7                | 23:8,10                 | 70:4 78:9,           |
| 84:14                 | <b>differ</b> 23:11 | <b>division</b> 3:5,    | 18                   |
| <b>designated</b>     | 72:21               | 16 9:18,19              | <b>documentation</b> |
| 15:8                  | <b>difference</b>   | 10:5,6,9,               | 28:6,9               |
| <b>designation</b>    | 23:17 24:4          | 13,20 79:3              | 49:14 59:16          |
| 29:22 41:18           | 41:17 64:5,         | <b>DL</b> 53:13         | 61:8                 |
| 42:17 63:12           | 6                   | 57:14 72:15             | <b>documents</b>     |
| <b>details</b> 76:15  | <b>differences</b>  | 73:7                    | 20:3 64:18           |
| <b>determination</b>  | 23:15 24:6          | <b>DLS</b> 6:20         | 78:13                |
| 56:8 62:17            | <b>digits</b> 41:9, | 9:21 11:18,             | <b>DOJ</b> 67:5      |
| 64:25 78:21           | 25 44:1             | 20 12:2,16,             | <b>DPS</b> 10:8      |
| <b>determinations</b> | <b>directed</b>     | 23 14:9,18              | 17:11 61:4,          |
| 62:4                  | 37:24               | 16:17 17:20             | 19,23 62:9,          |
|                       |                     | 20:3,7,13,              | 13 64:20             |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: DPS'S..entitled**

|  |   |   |   |
|--|---|---|---|
| DPS'S 58:7,8   | 67:18,22  | 81:18 82:22   | <b>employees</b>  |
| DPS.DL.LAYOUT 69:18  | 70:8 72:20, 23,24 73:3, 5 75:17,22  | 83:2  | 9:22 32:14  |
| DPS.DL.LAYOUTS 6:16  | 76:4 77:21, 25 79:6,11  | <b>easier</b> 46:6  | 34:1 58:5, 6,8 64:23  |
| Dps.dl.race.txt. 84:8  | 80:2 81:3 82:23 83:7, 11  | <b>EC</b> 57:22   | <b>employment</b> 78:10                                     |
| draft 69:4   |   | <b>EDUCATION</b> 4:11,21  | <b>end</b> 63:2 79:22                                       |
| draw 41:11   | <b>drivers</b> 54:19  | <b>EIC</b> 57:24  | <b>endorsement</b> 36:15,17,20 37:2,4 39:22 40:4 57:3 62:23 |
| Drawing 18:8   | <b>driving</b> 51:3   | <b>election</b> 57:23   | <b>ends</b> 48:14   |
| driver 6:18 24:15,16,25 51:9,20  | <b>drop-down</b> 34:8,10,11, 16   | <b>eligibility</b> 38:16 39:6, 16 53:8 61:24  | <b>enforcement</b> 10:19 47:8, 11,23 48:3, 10,12,14 65:13   |
| driver's 9:18,21 10:4,6,9, 12,14 11:7 12:2 13:22, 25 14:3,24 15:3,21 16:19 17:4, 7,17 18:15 20:4,12,16 21:10 23:8, 10 30:20 40:21 41:15 42:8 44:2, 3,7,11,15, 22 47:18,20 50:15, 51:25 52:4, 13 54:17 57:15 65:16,25 66:23 | <b>due</b> 63:24,25   | <b>eligible</b> 27:14,15 38:14,21 45:7 46:8 48:6 49:17, 19,20 53:3 61:20 63:22,24,25 64:1 | <b>Enrique</b> 12:8, 25                                     |
|  | <b>duly</b> 2:10 7:2  |   | <b>enter</b> 49:2 59:19                                     |
|  | <b>duplicate</b> 42:6 43:3 77:15  |   | <b>entered</b> 48:23 55:6 59:19 63:6 71:1                   |
|  | <b>duties</b> 9:17  |   | <b>enters</b> 16:23   |
|  | <b>DWI</b> 51:1,10, 22 55:6,15  |   | <b>elizabeth.westfall@insidej.gov</b> 3:18 13:9 48:16 72:25 |
|  | <b>E</b>  | <b>Elizabeth</b> 3:15 67:9 78:14 80:6 84:2  | <b>entitled</b> 36:7 39:24 72:2, 9                          |
|  | <b>e-mail</b> 40:10   |   |   |
|  | <b>e-mailed</b> 12:6,9 21:16  |   |   |
|  | <b>earlier</b> 27:12 34:23 47:25 57:20 58:17 67:16 69:17 72:13, 73:22 77:15 | <b>employee</b> 33:16,24 34:8,20 58:3   |   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: entries..field**

|                      |                      |                                   |                     |
|----------------------|----------------------|-----------------------------------|---------------------|
| <b>entries</b> 77:16 | 23:5 28:20           | <b>extent</b> 14:12               | <b>federal</b> 2:16 |
| <b>entry</b> 71:4    | 34:3 40:13,          | 16:1 18:23                        | 40:4 57:3           |
| <b>Eric</b> 3:14     | 15,25                | 20:11 27:20                       | <b>FEMALE</b> 18:11 |
| 67:10                | 68:23,24             | 30:9 33:8                         | <b>field</b> 12:19  |
| <b>establish</b>     | 69:17,19,            | <b>extracts</b>                   | 19:12 22:5,         |
| 50:19 51:2           | 23,25 72:22          | 67:17,22,25                       | 25 23:4,13,         |
| 52:10                | 75:16 76:20          | 68:5,11                           | 14 24:7,20          |
| <b>established</b>   | 82:22 83:3           | 73:23                             | 25:22 26:2          |
| 50:9 51:17           | 84:6                 | <b>extraneous</b>                 | 29:4,5,10,          |
| <b>estimate</b>      | <b>EXHIBITS</b> 6:10 | 62:13                             | 18,23 30:1          |
| 77:24                | <b>exists</b> 23:5   | <b>Ezra</b> 3:22 7:7              | 31:13 32:4,         |
| <b>ethnicity</b>     | <b>experience</b>    | 18:17 25:16                       | 10, 33:14,          |
| 19:3 31:9            | 11:4,13,14           | 26:20 30:18                       | 16,18 34:2,         |
| 35:4                 | <b>expertise</b>     | 41:21 49:25                       | 3,8,11,16,          |
| <b>evaluation</b>    | 11:13                | 62:6                              | 20 35:12,15         |
| 75:16                | <b>expiration</b>    | <b>ezra.rosenberg@dechert.com</b> | 36:4,7,12,          |
| <b>event</b> 31:11   | 45:6 76:2,           | 13,25 37:8                        | 38:13,18            |
| <b>exact</b> 32:3    | 4,9,16 77:8          | 3:24                              | 39:15,18,23         |
| 60:12 80:23          | 79:7                 | <b>F</b>                          | 40:2,19             |
| <b>EXAMINATION</b>   | <b>expired</b> 45:2  | <b>fact</b> 8:5 15:6              | 42:22,25            |
| 6:1,4,5,6            | 47:1 53:4,           | 40:3 50:9                         | 45:12,19,           |
| 7:3 67:7             | 5,11 76:18           | <b>fairly</b> 19:4                | 20,23 46:1,         |
| 84:4                 | 77:7,12              | 31:7                              | 15,16 47:2,         |
| <b>examiner</b>      | 79:6,9,10            | <b>fall</b> 31:24                 | 23,24               |
| 64:17                | <b>explain</b> 21:14 | 32:8 33:17                        | 48:17,23            |
| <b>examples</b>      | 24:19 39:17          | <b>falls</b> 48:10                | 49:3,22,24          |
| 51:12                | 42:5 43:2            | <b>FAMILIA</b> 4:21               | 50:7,13,14,         |
| <b>exhibit</b> 6:12, | 54:11 63:19          | <b>familiar</b> 13:9              | 18 51:23            |
| 15,17,20,22          | 65:10                | 14:8 21:6                         | 52:20 53:25         |
| 9:7,8,10             | <b>explained</b>     | 29:13 36:1                        | 54:22,24,           |
| 10:22 11:5           | 42:23                | 58:18,19,20                       | 55:25 56:2,         |
| 17:11,12,14          | <b>extends</b> 30:23 | <b>February</b>                   | 3 57:1,3,           |
| 20:20,22             | <b>extensively</b>   | 69:10                             | 11,14 59:2,         |
|                      | 72:12                |                                   | 3,13,22             |
|                      |                      |                                   | 61:16               |
|                      |                      |                                   | 62:18,22,24         |



**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: fields..guess**

|                      |                      |                      |                                 |
|----------------------|----------------------|----------------------|---------------------------------|
| 63:10,16             | 81:2                 | 19:13 23:4           | <b>General</b> 3:4,             |
| 64:14,15             | <b>filed</b> 26:13   | 33:10 38:20          | 14 4:17                         |
| 65:1,8,9,            | <b>fill</b> 32:23    | 48:8 56:11           | <b>generally</b>                |
| 10,11 66:14          | 33:17                | 59:10 60:19          | 13:14 16:18                     |
| 70:15,19,20          | <b>filled</b> 29:14  | 61:13 63:14          | 80:24                           |
| 71:7,14,19,          | 49:23,24             | 65:20 66:6,          | <b>generate</b> 81:2            |
| 23 72:2,5,           | <b>filling</b> 59:10 | 25 68:7,18           | <b>generated</b>                |
| 9,13,18              | 62:4                 | 69:4                 | 18:21 70:25                     |
| 73:10,11,            | <b>fills</b> 33:2    | <b>format</b> 7:18   | 83:7                            |
| 15,16 74:7           | <b>final</b> 69:3,5  | <b>forms</b> 18:5,6, | <b>generation</b>               |
| 75:10 76:3,          | <b>find</b> 46:9     | 7,15 20:4,           | 12:10                           |
| 6,14 77:2,           | 49:8 53:12,          | 8,13 73:4            | 21:11,13,14                     |
| 80:3,5,11            | 19,25 55:9           | <b>found</b> 65:9    | <b>Germaine</b> 2:6             |
| 81:16 83:3           | <b>finds</b> 16:17,  | <b>frame</b> 35:20   | 7:1 9:10                        |
| <b>fields</b> 13:5   | 19                   | 60:21                | <b>give</b> 7:13,17             |
| 14:16 22:1,          | <b>fine</b> 21:1     | <b>FRANK</b> 4:12    | 16:16 22:19                     |
| 2,3,10,21,           | 54:8                 | <b>Fraud</b> 3:5     | 47:17 50:22                     |
| 22 24:21,22          | <b>fingerprints</b>  | <b>Freeman</b> 3:15  | 52:16 53:24                     |
| 28:18,19             | 56:6                 | <b>FRIED</b> 4:12    | <b>Gomez</b> 12:8               |
| 32:7 36:1            | <b>finished</b>      | <b>front</b> 68:25   | 22:15,18                        |
| 44:20 46:18          | 78:15                | <b>full</b> 9:10     | 43:19 73:25                     |
| 47:4,25              | <b>firm</b> 7:7      | <b>functions</b>     | <b>good</b> 7:5                 |
| 48:3 49:1,3          | <b>Floor</b> 2:15    | 53:23                | 58:13,14                        |
| 53:7 65:15,          | 3:11                 | <b>FUND</b> 4:11,22  | <b>government</b>               |
| 18,19,21             | <b>focusing</b>      |                      | 57:4                            |
| 66:5,10,22           | 23:14                | <hr/>                | <b>great</b> 8:13               |
| 68:2 70:8,           | <b>follow</b> 67:11  | <b>G</b>             | 27:2                            |
| 9,13 74:3,           | <b>follow-up</b>     | <b>gathered</b>      | <b>Gregory</b> 4:12             |
| 11 75:17,20          | 84:1                 | 18:19 19:9           | <b>gregory.johnson@friedfra</b> |
| 76:5,23              | <b>form</b> 13:13,19 | 31:7 62:16           | 4:14                            |
| 77:4,10,11           | 17:17,19             | <b>gathering</b>     | <b>Ground</b> 2:15              |
| <b>figure</b> 26:25  | 18:4,9,21            | 34:19                | <b>guess</b> 49:15              |
| <b>figures</b> 16:4, |                      | <b>gave</b> 44:12,14 |                                 |
| 6                    |                      |                      |                                 |
| <b>file</b> 12:6,9,  |                      |                      |                                 |
| 10,11 21:16          |                      |                      |                                 |
| 22:14 27:24          |                      |                      |                                 |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: guidelines..indicator**

|                      |                      |                       |                        |
|----------------------|----------------------|-----------------------|------------------------|
| <b>guidelines</b>    | <b>Hispanic</b>      | 56:21                 | 51:22 52:8             |
| 7:17                 | 23:18 24:2,          |                       | 65:15,17               |
|                      | 5 29:14              | <b>I</b>              |                        |
| <b>H</b>             | 30:3 31:18           |                       | <b>identifying</b>     |
|                      | 33:21 34:25          | <b>I'</b> 67:4        | 52:9 65:25             |
| <b>half</b> 27:4     | 35:4 63:5,           | <b>ID</b> 14:4,24     | <b>identity</b> 37:6   |
| <b>handed</b> 20:24  | 7,8,9                | 15:4,22               | <b>II</b> 11:17,24     |
| <b>happen</b> 33:21  | <b>Hispanics</b>     | 47:17,19              | <b>image</b> 27:24     |
| 45:24                | 23:12                | 51:25 52:4            | 56:5                   |
| <b>happened</b> 43:2 | <b>history</b> 81:5  | 57:17 58:3,           | <b>immigration</b>     |
| <b>happy</b> 44:25   | <b>hold</b> 30:18    | 4 61:12               | 38:17 39:7,            |
| <b>hard</b> 26:24    | 52:21 61:22          | 65:17,25              | 17 61:25               |
| <b>HARRIS</b> 4:12   | 65:4 83:15           | 66:23 70:16           |                        |
| <b>hate</b> 60:15    | <b>holder</b> 3:14   | 71:4 72:21,           | <b>implemented</b>     |
| <b>hazardous</b>     | 67:10 81:24          | 25 73:2,4             | 23:6 32:19             |
| 36:14,16,20          | <b>holders</b>       | 76:21,25              | 35:1 60:13,            |
| 37:2,3               | 15:21,22,23          | 77:2,19,20            | 22,24                  |
| 39:20,21             | 77:25 78:11          | 81:3 82:21            | <b>important</b>       |
| 40:4,21              | <b>holding</b> 47:21 | 83:3,20               | 7:25 8:12              |
| 57:2 62:23           | <b>holds</b> 45:16   | <b>identification</b> | <b>include</b> 51:6    |
| <b>hazmat</b> 63:4   | <b>home</b> 56:10    | 6:18 13:22            | 75:11 81:23            |
| <b>head</b> 8:14     | 64:18,23             | 14:6 17:17            |                        |
| 28:21                | 73:13                | 20:5,12               | <b>included</b>        |
| 46:11,12             | <b>homebound</b>     | 44:10,17              | 29:21                  |
| 60:22 66:2           | 56:3,4,7,9,          | 50:7,15,25            | <b>including</b>       |
| <b>hear</b> 7:5 63:1 | 13,17,18,            | 56:5 57:18,           | 15:14                  |
| <b>hereto</b> 2:17   | 19,22,24             | 19 64:18              | <b>inconsistencies</b> |
| <b>hesitant</b> 22:6 | 64:14,15,            | 77:3,5,9,             | 36:22                  |
| <b>hesitate</b>      | 19,21,25             | 12,21                 | <b>INDEX</b> 6:1,10    |
| 32:14                | <b>honest</b> 13:7   | <b>identified</b>     | <b>Indian/alaskan</b>  |
| <b>hierarchy</b>     | 75:9                 | 63:9                  | 30:5 31:17             |
| 49:5,7,10,           | <b>hour</b> 27:4     | <b>identifier</b>     | <b>indication</b>      |
| 12                   | <b>house</b> 2:9,14  | 81:12                 | 33:9 38:4              |
|                      | 3:21 4:2             | <b>identify</b>       | 45:16,24               |
|                      |                      | 17:14                 | <b>indicator</b>       |
|                      |                      | 29:17,21              | 47:11 56:3             |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: individual..job**

|                     |                      |                      |                      |
|---------------------|----------------------|----------------------|----------------------|
| <b>individual</b>   | 34:19,24             | <b>institution</b>   | 12:1,12,15,          |
| 26:6,8              | 35:3,5,7,            | 57:9                 | 20,22 21:11          |
| 29:10 31:23         | 21,24                | <b>instruct</b>      | 67:21 83:17          |
| 32:7 33:16          | 36:19,22             | 15:18 31:1           | <b>involvement</b>   |
| 35:21               | 38:2,6               | <b>instruction</b>   | 67:17,24             |
| 36:15,18,23         | 40:20 45:22          | 32:9                 | 68:10                |
| 37:4,16,19          | 46:16 48:2,          | <b>instructions</b>  | <b>Islander</b> 30:6 |
| 39:21 45:20         | 7,9 51:18            | 7:14 29:25           | 31:18                |
| 47:17 50:24         | 54:15,17             | 31:19,23             | <b>issuance</b>      |
| 52:1 53:22          | 55:2 56:12           | 32:10,15,17          | 46:23 50:6           |
| 56:7 63:9           | 60:8,25              | <b>intent</b> 25:4   | 52:25 53:3,          |
| 64:19,20            | 61:4 62:5,           | <b>interfaces</b>    | 13 56:11             |
| 70:21 71:8,         | 12,16,25             | 64:10                | 59:18,20             |
| 20 72:1,8,          | 63:3,14              | <b>interpose</b>     | 63:13 66:19          |
| 19 75:9             | 68:5,16              | 8:23 15:25           | 76:14,15             |
| 77:19               | 71:1 73:20,          | 62:6                 | 79:9 80:3            |
| <b>individual's</b> | 76:23                | <b>interpret</b>     | <b>issue</b> 13:23   |
| 50:21 55:2,         | <b>infraction</b>    | 38:25                | 37:18 63:5           |
| 66:12               | 51:10                | <b>intervenor</b>    | 64:18                |
| <b>individuals</b>  | <b>initially</b>     | 6:12,17,20,          | <b>issued</b> 56:14  |
| 16:15 18:19         | 63:6                 | 22 9:8               | 58:4 61:1            |
| 59:7,21,23          | <b>input</b> 24:16   | 17:12 20:22          | 63:11 81:3           |
| 62:4 76:24          | 30:1 33:12           | 40:13                | 82:4                 |
| 81:7                | 45:22                | <b>intervenor's</b>  | <b>issues</b> 27:25  |
| <b>inform</b> 64:20 | <b>inputted</b> 37:7 | 10:23                | <b>issuing</b> 56:4  |
| <b>information</b>  | <b>inquiries</b>     | <b>Intervenors</b>   | <b>items</b> 58:25   |
| 11:7 12:13,         | 83:18                | 2:7 3:20             |                      |
| 17 15:14            | <b>inquiry</b> 44:21 | 4:1                  | <b>J</b>             |
| 16:1,10,17,         | <b>INS</b> 37:15     | <b>introduced</b>    | <b>JACOBSON</b> 4:12 |
| 18,21,22,23         | 38:14,21,22          | 41:4                 | <b>January</b> 69:7  |
| 18:19 19:2          | 61:20                | <b>involuntarily</b> | <b>Jersey</b> 3:23   |
| 20:16 23:2,         | <b>inside</b> 76:18, | 57:8                 | <b>job</b> 8:13      |
| 25 24:1,17,         | 19                   | <b>involved</b>      |                      |
| 23,24 27:21         | <b>instance</b> 2:7  |                      |                      |
| 28:24 29:4          |                      |                      |                      |
| 31:7,9              |                      |                      |                      |
| 32:11 33:13         |                      |                      |                      |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: Johnson..listen**

|                                   |               |             |                          |
|-----------------------------------|---------------|-------------|--------------------------|
| Johnson 4:12                      | 37:16         | 44:2,3,7,   | licensees'               |
| JR 3:14                           | LAWYERS 4:7   | 11,16,22    | 35:3                     |
| judge 27:3                        | LEAGUE 4:11   | 45:5,17,21  | licenses                 |
| July 68:13                        | learner's     | 46:2,14,17, | 13:19,21                 |
| JUSTICE 3:10,                     | 14:1,2        | 22 47:2,6,  | 14:24 51:13              |
| 16                                | leave 62:24   | 7,10,12,18, | 66:23                    |
|                                   | leaves 33:16  | 20,21 48:6, | 81:19,22                 |
| K                                 | leaving 49:3  | 8,16 50:6,  | 82:1,14                  |
| Kathleen 4:16                     | left 33:20    | 15,25 51:6, | life 58:17,              |
| kathleen.murphy@txdps.state.tx.us | 49:23         | 21,25 52:4, | 18,20                    |
| 4:19                              | 50:14,18,19   | 13,19 53:10 | likewise                 |
| Kengle 4:6                        | left-hand     | 54:17,25    | 71:16 74:11              |
| kind 7:18                         | 43:11,24      | 55:3 56:23  | Lindsey 4:2              |
| 14:4 32:17                        | 70:16         | 57:15 58:1  | 9:6 17:10                |
| 55:21                             | Legislative   | 59:14,18,20 | 20:19 40:7               |
| kindly 27:8                       | 3:9,21 4:1    | 60:5 61:6,  | 69:16                    |
| knowing 22:1                      | 7:9           | 7,12 63:21  | lindsey.stelcen@dechert. |
| knowledge                         | length 23:3   | 64:2,18     | 4:4                      |
| 11:14 17:16                       | LIC 63:19,20  | 65:17,25    | lines 41:12              |
| 18:14 29:1                        | license 9:18, | 66:11       | 84:7                     |
| 30:10 33:8                        | 21 10:5,6,    | 67:18,22    | link 70:22               |
| 43:13                             | 9,13,15       | 70:8 72:20, | linked 73:3              |
| Kolbert 5:1                       | 11:8 12:2     | 23,24 73:4, | 74:14                    |
|                                   | 13:22,23,25   | 5 75:18,23  | list 30:23               |
|                                   | 14:3,24,25    | 76:2,4,16   | 33:2 70:7,               |
| L                                 | 15:3,4,21,    | 77:21,25    | 13 74:23                 |
| Lamar 4:18                        | 22 16:19      | 78:10 79:6, | 75:15                    |
| law 3:10 4:7                      | 17:4,7,17     | 8,12 80:2   | listed 26:8,             |
| 5:1 7:7                           | 18:15 20:5,   | 81:3,4,23   | 10 34:7                  |
| 83:20                             | 12,16 21:10   | 82:3,17,23  | 43:14 49:10              |
| lawful 37:5                       | 23:8,10       | 83:7,11     | 64:8,25                  |
| lawfully                          | 30:20 36:17   | licensed    | 71:11                    |
|                                   | 40:21,22      | 49:21 53:4  | listen 9:1               |
|                                   | 41:15 42:8    | 63:19,20    |                          |
|                                   |               | 66:12       |                          |
|                                   |               | licensees   |                          |
|                                   |               | 16:19       |                          |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: listing..moment**

|                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| <b>listing</b> 80:23 | <b>mailed</b> 51:18  | <b>manuals</b> 32:18 | 24:11 37:12          |
| <b>lists</b> 73:17   | <b>mailing</b> 27:14 | <b>March</b> 68:15   | 38:21                |
| 75:4                 | 42:9,13,19,          | <b>Marie</b> 7:1     | 63:19,20,22          |
| <b>litigation</b>    | 22,25                | 9:12                 | 64:1                 |
| 67:18 70:14          | 44:12,15,16          | <b>mark</b> 4:7 47:3 | <b>meant</b> 12:19   |
| <b>live</b> 80:16    | 73:13                | <b>marked</b> 9:7,8  | <b>Medicaid</b> 3:5  |
| <b>Live-check</b>    | <b>maintain</b>      | 10:22                | <b>meet</b> 17:7     |
| 11:19,21,23          | 20:3,14              | 17:10,12,14          | 26:9 29:11           |
| 58:21                | 28:24                | 20:20,22             | <b>meets</b> 38:16   |
| <b>Live-check'</b>   | 54:18,20             | 28:19 40:8,          | 39:6,16              |
| 11:18                | <b>maintained</b>    | 13,14 69:23          | <b>mental</b> 57:7,8 |
| <b>LLP</b> 3:22      | 28:23 29:2           | <b>marking</b> 69:18 | <b>mentioned</b>     |
| 4:3,12               | 45:23 58:21          | <b>Martinez</b> 2:6  | 19:4 46:19           |
| <b>long</b> 9:25     | 73:4 81:19,          | 7:1,5 9:11           | 53:15                |
| 10:10                | 22                   | 27:13 44:19          | <b>met</b> 7:21      |
| 17:19,22             | <b>maintains</b>     | 52:17 58:16          | 61:24                |
| 19:21,24             | 20:7,13              | 67:9 70:4            | <b>Mexican</b> 2:8   |
| 23:3 34:11           | <b>majority</b>      | 84:6                 | 3:9,21 4:1           |
| 35:15,18             | 42:20                | <b>MARY</b> 2:6      | 7:9                  |
| 60:11 78:6           | <b>make</b> 11:24    | <b>match</b> 24:10,  | <b>MI</b> 4:21       |
| <b>longer</b> 49:19  | 16:12 39:1           | 13,19 25:1           | <b>middle</b> 9:12   |
| 64:11 74:9           | 55:12 57:13          | <b>matching</b>      | 71:17,20             |
| <b>lot</b> 8:3       | 65:5 78:21           | 25:7,12,16           | <b>million</b>       |
|                      | <b>makes</b> 27:1    | <b>material</b>      | 14:22,23             |
| <hr/>                | <b>making</b> 9:23   | 36:14,16,20          | <b>minute</b> 20:24  |
| <b>M</b>             | <b>MALDEF</b> 4:23   | 37:2,3               | 61:22                |
| <hr/>                | <b>MALE</b> 18:10    | 39:22 40:4,          | <b>minutes</b> 54:7  |
| <b>machine</b> 2:14  | <b>management</b>    | 21 57:2              | <b>missed</b> 82:24  |
| <b>made</b> 12:13    | 9:24                 | 62:23                | <b>mixed</b> 53:5    |
| 17:2 42:3            | <b>manipulate</b>    | <b>matter</b> 8:5    | <b>moment</b> 75:14  |
| 56:8 62:4,           | 68:15                | <b>meaning</b> 19:11 | 83:16                |
| 17 68:13             | <b>manipulating</b>  | 20:9 49:6            |                      |
| <b>mail</b> 17:9     | 68:10                | <b>means</b> 11:19   |                      |
| 27:15,23             |                      |                      |                      |



|                              |             |                     |             |              |              |
|------------------------------|-------------|---------------------|-------------|--------------|--------------|
| moments                      | 55:5        | necessarily         | 73:2,7      | objections   |              |
| morning                      | 7:5         | 45:18 76:12         | 76:25 77:2, | 19:2         |              |
| 40:11,25                     | NEN         | 49:18               | 3,24 78:10  | obtain       | 16:10        |
| 72:13                        |             | 63:25 64:6,         | 83:6,10     | 54:16 63:23  |              |
| move                         | 31:11       | 11                  | numbered    | 2:11         | 64:2 72:7    |
| moved                        | 60:3        | NICOLE              | 22:24       | obtained     |              |
| 79:25                        | nightly     | 80:21               | numbers     | 41:8,        | 16:21 50:25  |
| moving                       | 44:20       | 81:8                | 9,16 43:24  | 61:6 71:25   |              |
| mposner@lawyerscommittee.org | Nina        | 4:22                | 44:7 66:4   | 72:1         |              |
| 4:9                          | nods        | 8:14                | numeral     | 11:6,        | obtaining    |
| multi-racial                 | non-acd     | 63:25               | 17,24       | 20:15 22:22  |              |
| 29:18,21                     | Non-cdl     | 49:20               | numerical   | obtains      | 51:1         |
| multiple                     | Nos         | 30:14               | 81:15       | 72:20        |              |
| 70:22                        | notes       | 49:13               | numerous    | occasionally |              |
| Murphy                       | 83:14       |                     | 65:21 66:1  | 53:5         |              |
| Myrna                        | 3:10        | notice              | NW          | 3:17 4:13    | Occupation   |
| myrna.perez@nyu.edu          | 7:11,12 9:7 |                     | NWB         | 3:17         | 58:1         |
| 3:12                         | 15:11       |                     | NYU         | 3:10         | occupational |
|                              | November    |                     |             |              | 13:22 14:25  |
| N                            | 18:3,16     |                     | O           |              | 15:4, 40:22  |
| N-e-n                        | 64:11       | nperales@maldef.org | object      | 15:5         | 58:1 81:19,  |
| N.W.                         | 4:8         | 4:24                | 30:7 34:4   |              | 22 82:1,3,   |
| NAACP                        | 2:8         | number              | 39:2        |              | 13,14,16     |
| 3:9,20 4:1                   |             | 14:23               | objection   |              | occur        |
| 7:9                          |             | 37:1,6,12,          | 8:23 13:13  | office       | 4:17         |
| names                        | 41:6        | 15 42:8             | 17:25 19:15 | 17:4 56:23   |              |
| national                     |             | 44:2,3,4            | 31:21 33:5, | 61:11 78:3,  |              |
| 24:16 25:19                  |             | 45:22 46:11         | 6,22 38:20  | 6 79:2       |              |
| Native                       | 30:5        | 49:25 53:20         | 60:19 62:6  | 83:17        | offices      |
| 31:17                        |             | 54:22 65:18         | 65:20 66:6, |              | 65:2         |
| nature                       | 12:5        | 70:20,25            | 25 68:7,18  | OFFICIAL     | 3:14         |
|                              |             | 71:24,25            | 79:13,17,23 | omitted      | 41:22        |
|                              |             | 72:15,19,           | 82:7 83:21  | on-license   |              |
|                              |             | 21,23,24,25         |             |              |              |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: one-byte..planning**

|               |                                 |              |               |
|---------------|---------------------------------|--------------|---------------|
| 50:8,20,22    | 43:9,10                         | Pennsylvania | 13,16,18      |
| 51:2 52:11    | parameters                      | 3:17         | 63:6 70:16,   |
| one-byte      | 75:12                           | people 15:8  | 21 71:4       |
| 34:20         | parens 24:19                    | 16:25 27:14  | 72:21,25      |
| one-digit     | parent-taught                   | 29:17,20     | 73:2,3        |
| 84:12         | 51:15,16,18                     | 32:11 41:3   | 82:21 83:3    |
| online 10:7   | parents 51:15                   | 51:6,12,23   | person's      |
| 27:23 81:7    | part 36:19,21                   | 52:5 55:10,  | 19:11 47:6    |
| opposed 49:3  | 38:3 40:5                       | 11,15 61:5   | 49:8 65:12    |
| option 27:18  | 60:8 67:18                      | 75:11        | 72:25 76:12   |
| 34:8          | 80:14 82:24                     | Perales 4:22 | personal      |
| optional      | participants                    | perfect 27:1 | 76:21 77:2,   |
| 25:22         | 26:22                           | period 18:16 | 5,12          |
| options 17:6  | participate                     | 76:17,18     | persons       |
| 34:21         | 12:10                           | periodically | 14:17,22      |
| ORAL 2:6      | participation                   | 80:17        | 15:2,20       |
| order 14:9    | 12:5                            | permit 14:2  | 27:17 43:13   |
| 56:11 59:16   | parties 12:3                    | 54:11        | photo 83:20   |
| 70:22         | 14:10                           | permits 14:1 | photograph    |
| original      | parts 11:12                     | 54:19,20     | 81:23         |
| 14:11 17:3,   | passed 79:8                     | person 11:3  | phrase 24:13  |
| 16            | passport 61:9                   | 17:4 24:2    | 30:4,5        |
| out-of-state  | past 79:16                      | 25:5 29:13,  | phrased 62:19 |
| 51:9,20,21    | Patrick 3:3                     | 14 31:20     | physical      |
| outlined      | 19:1 40:8                       | 32:1,2,22    | 42:10,12,18   |
| 30:23         | patrick.sweeten@oag.state.tx.us | 33:1,19      | 44:13,15,16   |
|               | 3:6                             | 35:22 41:6,  | picked 75:10  |
|               | PDPS 24:10,                     | 14 43:3      | pieces 38:6   |
| P             | 12,13,15,                       | 44:4,8,10,   | place 56:4    |
| P.M. 84:19    | 20,22 25:1,                     | 11,14,22     | places 42:20  |
| package 51:16 | 17,18,22                        | 45:7,16      | PLAINTIFF 3:3 |
| pages 6:14,   | 54:16                           | 46:2,17      | planning      |
| 19,21,23      |                                 | 47:7,19,20   | 26:23         |
|               |                                 | 50:9 52:2    |               |
|               |                                 | 55:6 56:9,   |               |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: point..queries**

|                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| <b>point</b> 8:7     | <b>precisely</b>     | <b>process</b> 30:22 | <b>provided</b> 13:1 |
| 37:25 59:15          | 31:8,10              | 48:5,15              | 68:6 69:17           |
| 63:11 65:13          | 41:14                | 63:13                | 70:13 71:9,          |
| 79:15,16             | <b>prefix</b> 81:15  | <b>produce</b> 22:9  | 15 73:23             |
| <b>pointer</b>       | <b>presence</b> 37:5 | 81:4                 | <b>providing</b>     |
| 24:15,23             | <b>present</b> 5:1   | <b>produced</b> 2:6  | 68:11                |
| <b>policies</b>      | 9:15 37:17           | 11:3 14:10           | <b>provisions</b>    |
| 32:19 65:2           | <b>presented</b>     | 22:14 28:18          | 2:16                 |
| <b>policy</b> 62:9,  | 15:11                | 32:19 42:7           | <b>Public</b> 4:16,  |
| 13 65:1              | <b>presents</b> 37:4 | 67:22 68:17          | 17 9:14              |
| <b>populate</b>      | <b>previous</b>      | 74:24,25             | 58:22                |
| 73:11                | 28:22,25             | <b>producing</b>     | <b>pull</b> 52:12    |
| <b>populated</b>     | 29:1                 | 22:9 67:17,          | 55:10,11,            |
| 42:14                | <b>previously</b>    | 21                   | 13,15,20             |
| <b>portion</b> 14:9  | 14:12 21:16          | <b>production</b>    | <b>pulled</b> 42:9   |
| 24:12                | 66:21 68:24          | 12:1,16,22           | 66:10                |
| <b>posed</b> 19:11   | <b>Princeton</b>     | 81:2                 | <b>purge</b> 79:11   |
| 73:24                | 3:23                 | <b>program</b>       | <b>purpose</b> 21:23 |
| <b>position</b> 9:25 | <b>printing</b> 41:4 | 10:17,18             | 22:9 36:13           |
| 10:17                | <b>prior</b> 10:17   | 28:7,9               | 40:2                 |
| <b>Posner</b> 4:7    | 18:16 20:8,          | <b>programmed</b>    | <b>purposes</b>      |
| <b>possession</b>    | 9,13 23:25           | 23:20,22             | 32:12 83:10          |
| 73:16                | 24:4 35:7            | <b>programmer</b>    | <b>pursuant</b> 2:15 |
| <b>possibility</b>   | <b>privileges</b>    | 79:1                 | 7:11 21:17           |
| 60:2                 | 51:4                 | <b>programmers</b>   | <b>put</b> 7:22      |
| <b>possibly</b> 44:9 | <b>problem</b> 24:15 | 21:25                | 25:5,6 26:7          |
| <b>practice</b>      | 69:22                | <b>programming</b>   | 31:16                |
| 20:15 49:2           | <b>procedure</b>     | 25:24                | 34:21,22             |
| 79:22                | 2:16 36:21           | <b>project</b> 4:21  | 66:20                |
| <b>precedence</b>    | <b>proceed</b> 9:2   | 9:24                 | <b>Pérez</b> 3:10    |
| 49:9,11              | 19:5                 | <b>proof</b> 37:5    |                      |
| <b>precise</b> 31:16 | <b>proceedings</b>   | <b>provide</b> 24:1  | <b>Q</b>             |
| 33:2                 | 7:23                 | 46:16 60:7           | <b>queries</b> 16:12 |
|                      |                      | 61:5 69:16           |                      |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: query..renew**

|  |  |  |   |
|--|--|--|---|
| <b>query</b> 14:8,<br>13,14 16:9<br>43:17<br>55:19,21,<br>22,23 75:13<br>78:20,22  | 28:16 30:22<br>31:8,10<br>58:25 62:8<br>67:5,11,12<br>68:1 83:24<br>84:17,18   | <b>reconciliation</b><br>38:11<br><b>record</b> 2:17<br>8:24 9:10<br>17:15 21:8,<br>15 30:13<br>39:14<br>44:11,14<br>45:6,11<br>46:20,21<br>48:15<br>50:11,20,23<br>51:2,16<br>52:11,18<br>56:4 70:1,<br>21,23 73:1<br>81:16   | 73:18<br><b>referring</b><br>14:5,11<br>46:21,25<br>53:2,7<br><b>refers</b> 74:7<br><b>reflected</b><br>79:5,7 80:1<br><b>registration</b><br>4:21 37:1,<br>6,12,15<br><b>relate</b> 36:2<br>37:18 38:1<br>46:2 54:24<br><b>related</b> 16:1<br><b>relates</b> 37:9<br>38:18<br><b>relating</b> 19:3<br>31:9<br><b>relationship</b><br>11:17,20<br><b>relevant</b><br>44:21<br><b>remember</b><br>19:22 20:1<br>29:9 35:18<br>60:1,12<br>66:14 83:4<br><b>reminded</b> 65:6<br><b>removed</b> 41:6,<br>7,9<br><b>renew</b> 81:7 |
| <b>question</b> 7:14<br>8:1,8 15:6,<br>16,17,19<br>16:2 17:24<br>18:14,18,21<br>19:7,10,13<br>22:11 23:15<br>25:16 27:21<br>29:6,24<br>30:8,10,16,<br>17 31:2,4,<br>12 33:7,11<br>37:20 38:10<br>39:8,10<br>40:18 42:3,<br>24 47:3<br>50:14 57:4,<br>5 61:13,14<br>62:20 65:4<br>66:20<br>75:21,22<br>78:4,15<br>82:24 | <hr/> <b>R</b> <hr/><br><b>race</b> 18:11,14<br>19:3,9,12,<br>13 22:25<br>24:10 25:8,<br>13,22 26:6<br>29:10,15<br>31:9 32:23<br>49:22,23<br>50:12,21<br>72:10,15<br>84:10<br><b>read</b> 39:13<br><b>ready</b> 27:9<br><b>realtime</b><br>80:18<br><b>reapplies</b><br>35:9<br><b>reason</b> 25:25<br>35:9 45:3,8<br>47:18<br><b>recall</b> 13:2,5<br><b>receive</b> 55:1<br><b>received</b><br>22:17<br><b>reconcile</b><br>36:21 38:5 | <b>records</b> 13:15<br>25:23 50:8<br>54:18 55:20<br>59:9 60:5<br>65:12 79:11<br>81:12<br><b>refer</b> 73:3<br>74:20 75:7<br>84:11<br><b>reference</b><br>41:7 65:11,<br>14<br><b>references</b><br>41:10<br><b>referencing</b><br>73:15<br><b>referred</b><br>21:19 68:24 |   |
| <b>questioned</b><br>13:5  |  |  |   |
| <b>questions</b><br>7:20 8:1<br>9:2 12:18,<br>19,25 13:2<br>14:15 15:6,<br>7,10 27:11  |  |  |   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: renewal..San**

|                       |                        |  |                     |
|-----------------------|------------------------|--|---------------------|
| <b>renewal</b> 61:13  | <b>Representatives</b> | <b>revise</b> 35:7                         | 27:1,3,10           |
| 63:14                 | 2:10 3:21              | <b>revision</b> 18:3                       | 28:2 30:13,         |
| 76:17,18              | 4:2                    | 69:6,7,9                                   | 15 31:5,13          |
| <b>renewed</b>        | <b>represents</b>      | <b>revocation</b>                          | 32:1 33:11          |
| 27:23,24              | 76:11                  | 47:10 48:11                                | 34:1,10             |
| <b>renewing</b> 17:5  | <b>request</b> 21:17   | 76:13                                      | 37:23 38:9,         |
| 27:14                 | 22:14,17               | <b>revoked</b> 24:18                       | 13 39:4,8,          |
| <b>renews</b> 27:15   | <b>require</b> 42:21   | 45:2                                       | 15,23 40:7,         |
| 35:23                 | 61:8                   | <b>Reynolds</b> 3:4                        | 12,17 41:2,         |
| <b>rep</b> 15:7,25    | <b>required</b> 18:4   | 40:8                                       | 24 42:5             |
| 18:18                 | 32:6 50:7              | <b>reynolds.brissenden@cap.state.tx.us</b> | 43:18 50:2,         |
| <b>repeat</b> 30:17   | 59:13                  | 3:7  | 4,13 52:24          |
| 39:11 82:25           | <b>requirement</b>     | <b>right-hand</b>                          | 54:15 58:12,        |
| <b>rephrase</b>       | 60:7                   | 24:9                                       | 16 60:23            |
| 31:3,12               | <b>requirements</b>    | <b>Rights</b> 3:16                         | 61:24 62:15         |
| <b>reported</b> 2:14  | 28:12 38:16            | 4:7  | 63:1 65:24          |
| 49:8,14,16            | 39:6,17                | <b>Robert</b> 4:6                          | 66:13 67:4          |
| 64:3,4                | 61:25                  | <b>RODRIGUEZ</b>                           | 68:24 84:1,         |
| <b>reporter</b> 7:21  | <b>requires</b> 40:5   | 4:21                                       | 5,16                |
| 8:12,15               | 42:12 57:4             | <b>Roman</b> 11:6,                         | <b>RPD</b> 54:25    |
| 39:13                 | <b>residential</b>     | 17,24                                      | <b>Rules</b> 2:16   |
| 69:16,19,22           | 42:13                  | <b>room</b> 3:17                           | 26:2 31:14          |
| <b>reports</b> 51:2   | <b>respond</b> 83:18   | 7:19                                       | 34:2                |
| <b>represent</b> 7:8  | <b>response</b>        | <b>Rosenberg</b>                           | <b>run</b> 43:17    |
| 41:2,13               | 22:14                  | 3:22 6:4,6                                 | 78:21,22            |
| 43:25 44:9            | <b>return</b> 61:1     | 7:4,7 9:6,9                                | 81:8                |
| 70:6,11               | <b>review</b> 12:12    | 13:14                                      | <b>running</b> 81:1 |
| 72:18 76:10           | 20:24                  | 15:12,19                                   | <b>Russell</b> 5:2  |
| <b>representation</b> | <b>reviewing</b>       | 16:6 17:10,                                | <hr/>               |
| 42:2                  | 22:5 83:18             | 13 18:8                                    | <b>s</b>            |
| <b>representative</b> | <b>reviews</b> 21:3    | 19:1,10,20                                 | <b>Safety</b> 4:16, |
| 30:9,25               | 52:23 54:4             | 20:19 21:1,                                | 17 9:14             |
| 70:9                  |                        | 5 25:17,20                                 | 58:22               |
|                       |                        | 26:1,11,19                                 | <b>San</b> 4:24     |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: schedule..state**

|                         |                      |                     |                      |
|-------------------------|----------------------|---------------------|----------------------|
| <b>schedule</b>         | <b>service</b> 9:19  | 22:16 23:1,         | 4:21                 |
| 64:22                   | <b>services</b> 10:8 | 16 24:3,8           | <b>speaking</b>      |
| <b>SCHOOL</b> 3:10      | <b>set</b> 15:6      | 26:4 27:16          | 13:15                |
| <b>Scientist</b> 5:3    | 61:25                | 28:21               | <b>specific</b>      |
| <b>scope</b> 15:10      | <b>SEX</b> 18:10     | 29:16,19,23         | 13:17 16:9           |
| 27:20 30:8,             | <b>shorthand</b>     | 31:15 32:25         | 18:21 28:8           |
| 11,14,25                | 2:14                 | 34:17 35:8,         | 30:21,22             |
| 33:6 34:5               | <b>shortly</b> 27:6  | 14 36:3,6,          | 35:6,16              |
| 37:22 38:23             | 83:15                | 8,11,24             | 66:4                 |
| 39:3 79:13,             | <b>shoulder</b> 8:14 | 37:13 40:23         | <b>specifically</b>  |
| 17 82:7                 | <b>show</b> 9:9      | 41:20 44:5          | 17:21 62:16          |
| 83:21                   | 17:13 40:24          | 45:14,              | <b>speculate</b>     |
| <b>screen</b> 34:9      | 51:18 59:16          | 46:18,25            | 60:16                |
| <b>Section</b> 3:16     | 79:8                 | 47:22               | <b>speculation</b>   |
| 68:13                   | <b>showed</b> 42:25  | 48:18,22,25         | 34:5                 |
| <b>securities</b>       | 66:18                | 49:5 51:8,          | <b>speed</b> 8:6     |
| 41:25                   | <b>showing</b> 53:3  | 11 52:15            | 52:24 54:5           |
| <b>security</b>         | <b>SHRIVER</b> 4:12  | 55:8,17             | <b>spell</b> 84:14   |
| 41:7,9 44:2             | <b>shrugs</b> 8:14   | 56:1 57:10,         | <b>Spreadsheet</b>   |
| 71:24                   | <b>similar</b> 11:23 | 16,21 58:2,         | 6:22                 |
| <b>self-referencing</b> | 38:25                | 19,23 84:9          | <b>SQL</b> 55:19,    |
| 64:16                   | <b>similarly</b>     | <b>situations</b>   | 22,23                |
| <b>self-reported</b>    | 47:12                | 29:13 60:5          | <b>SSN</b> 71:21     |
| 16:23 26:6              | <b>simply</b> 13:10  | <b>social</b> 5:2   | <b>stand</b> 71:23   |
| 29:23 62:24             | <b>sir</b> 7:6,16    | 41:7,9,25           | <b>standards</b>     |
| <b>self-reporting</b>   | 8:10 9:3             | 44:1 71:24          | 17:8 64:24           |
| 29:10 30:2              | 11:10,16,            | <b>software</b>     | <b>start</b> 67:13   |
| <b>send</b> 81:4        | 21,25 12:4           | 16:11               | <b>started</b> 60:1  |
| <b>sense</b> 11:24      | 13:12 15:1           | <b>solutions</b>    | <b>starters</b>      |
| 12:14 27:1              | 16:13 17:21          | 9:19                | 16:18                |
| <b>separate</b>         | 19:23                | <b>sort</b> 47:13,  | <b>state</b> 2:8,13, |
| 47:4,5                  | 20:14,18             | 14,16 51:10         | 14 3:3,9,20          |
| 54:18                   | 21:7,18,21           | <b>sounds</b> 58:4, |                      |
|                         |                      | 14                  |                      |
|                         |                      | <b>SOUTHWEST</b>    |                      |



## STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.

1:11-CV-00128

Germaine Mary Martinez on 04/17/2012

Index: State-approved..system

|                |               |              |              |
|----------------|---------------|--------------|--------------|
| 4:1 6:13       | 66:11,18,19   | submitted    | Sweeten 3:3  |
| 7:10 8:22      | 76:8,10,11,   | 18:5         | 13:13 15:5,  |
| 10:23 11:3     | 14,15 79:9    | subsequently | 17,24 17:23  |
| 14:9 21:8      | 80:3          | 63:9         | 18:17 19:6,  |
| 24:18,24       | statuses 45:9 | subtopics    | 15 20:23     |
| 29:2 31:12     | 49:10 52:18   | 30:21        | 25:15,18,21  |
| 41:5 42:7      | 53:2 54:20    | Suite 3:23   | 26:17,20     |
| 45:21,22       | 64:8 65:14    | 4:3,8,23     | 27:2,8,19    |
| 54:16 57:19    | 66:21         | summary 48:8 | 30:7,18      |
| 60:3 74:12,    | statute 48:11 | supervise    | 31:21 33:5,  |
| 22 83:11       | Stelcen 4:2   | 9:22         | 22 34:4      |
| State-approved | 20:21         | supervisor   | 37:20 38:7,  |
| 14:6           | 40:10,14      | 10:19 12:6,  | 20 39:9,12,  |
| stated 2:17    | 41:1          | 7,24 14:15   | 19 41:21     |
| 8:24 29:9      | Steven 5:1    | 68:1,6,17    | 42:2 43:15   |
| states 3:14    | stop 26:24    | 73:25        | 49:25 50:3,  |
| 24:16 54:18    | 79:21         | supervisors  | 5 58:14      |
| 64:10 67:23    | stopped       | 21:17        | 60:19 61:22  |
| 68:17 70:14    | 51:10,22      | supposed     | 62:2,19      |
| 73:17 74:24    | 55:6          | 42:18        | 65:20 66:6,  |
| 75:1 83:19     | stored 15:14  | surname 71:9 | 25 68:7,18   |
| status 38:17   | straight      | surrender    | 78:14        |
| 39:7,17        | 12:22 52:18   | 47:13,15,16  | 79:13,17,23  |
| 45:4,5,6,10    | Street 2:15   | Surrendered  | 80:6,10      |
| 46:7,14,20,    | 3:5 4:3,13    | 45:15 47:13  | 82:7,12,15   |
| 22,23 47:25    | strongly 31:6 | surrenders   | 83:21 84:18  |
| 48:6,8,14,     | stuff 32:20   | 45:21        | sworn 2:10   |
| 16 49:9        | subcaptioned  | suspended    | 7:2          |
| 52:18,19,      | 11:7          | 24:17 27:25  | system 9:21, |
| 20,25 53:3,    | subject 32:11 | 45:2,8 80:2  | 23 10:24     |
| 4,9,10,12,     | submission    | suspension   | 11:8 12:2    |
| 13,15,16,      | 68:12 83:19   | 51:3 76:13   | 13:23 16:24  |
| 17,21          |               |              | 21:10 22:1,  |
| 54:10,11,25    |               |              | 2,4,10       |
| 55:2 61:20,    |               |              | 23:7,9,10,   |
| 63:25 64:11    |               |              | 11,21,23,25  |
| 65:7,8         |               |              | 24:2,4,15,   |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: Systems..top**

|                      |                       |                      |                      |
|----------------------|-----------------------|----------------------|----------------------|
| 17,23 25:2,          | <b>talking</b>        | 52:19 66:21          | <b>Texas.gov</b>     |
| 3,18,22              | 13:16,18              | 67:16                | 10:7                 |
| 28:7,10,13           | 29:6 62:15            | 72:12,               | <b>thing</b> 9:5     |
| 30:20 32:7,          | <b>talks</b> 62:11    | 73:22                | 53:1 66:9            |
| 19 34:7,11,          | <b>Tamara</b> 2:13    | 77:15,18,23          | <b>things</b> 52:24  |
| 12,14,15,24          |                       | 81:18 82:21          | 54:5 62:13           |
| 35:1,5,6,17          | <b>technical</b> 8:6  | <b>testify</b> 11:4, | <b>thinking</b>      |
| 36:2,18,19,          | <b>technician</b>     | 14                   | 78:16                |
| 21 37:7              | 16:23                 | <b>testimony</b>     | <b>thinks</b> 38:21  |
| 38:3,5               | <b>technology</b>     | 82:19 83:3           | <b>thought</b> 27:4  |
| 42:12 44:6           | 9:19 10:5             | <b>testing</b> 9:22  | <b>tied</b> 76:9     |
| 50:8,11              | <b>telephone</b>      | <b>Texan</b> 55:5    | <b>time</b> 8:18,20, |
| 51:17 52:2,          | 2:12                  | <b>Texan/or</b>      | 22 10:7              |
| 9,13 54:16,          | <b>telephonically</b> | 55:13                | 18:16 21:2           |
| 18,21 55:7,          | 3:10,15,22            | <b>Texans</b> 55:14  | 23:3 27:6,           |
| 10,16 56:6,          | 4:6,7,12              | <b>Texas</b> 2:8,9,  | 7,23 35:10,          |
| 12,17,18             | 5:1,2                 | 13,15 3:3,           | 19 39:11             |
| 58:11 60:3,          | <b>telling</b> 15:15  | 4,6,9,20,21          | 51:17 56:14          |
| 8,11,13,23           | 41:22                 | 4:1,2,4,11,          | 57:25 58:13          |
| 79:25                | <b>tells</b> 48:3     | 17,18,24             | 60:12,21             |
| <b>Systems</b> 6:14  | 66:11                 | 6:13,18              | 61:10 67:3           |
| <hr/>                | <b>ten</b> 54:6       | 7:8,10 9:14          | 68:15 71:2           |
| <b>T</b>             | 60:14,17              | 10:7,23              | 83:15,25             |
| <hr/>                | <b>term</b> 11:21,23  | 14:6 18:15           | <b>times</b> 50:11   |
| <b>tables</b> 15:15  | 14:2 58:19            | 20:4,12,16           | <b>title</b> 9:15    |
| <b>takes</b> 32:7    | 63:22                 | 26:18 30:20          | 10:18 28:8           |
| 49:9,11              | <b>terminology</b>    | 42:19,21             | <b>today</b> 7:11    |
| <b>taking</b> 33:19  | 8:4                   | 51:1,4               | 8:2,16               |
| 48:4 54:6            | <b>terms</b> 23:14    | 52:5,12              | 26:14 67:12          |
| <b>talk</b> 26:21    | 24:6 25:2             | 64:10 68:13          | <b>told</b> 33:1     |
| 30:20                | 35:4 50:13            | 74:22 75:18          | 83:6                 |
| 38:23,24             | 53:5                  | 76:21 81:6           | <b>top</b> 28:21     |
| 62:9,13              | <b>testified</b> 7:2  | <b>Texas'</b> 10:24  | 46:11,12             |
| <b>talked</b> 47:14, | 27:13 34:23           | <b>Texas's</b> 6:14  | 49:16 60:22          |
| 25 61:16             |                       | 11:7,18              |                      |
| 64:13                |                       |                      |                      |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: topic..values**

|                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|
| 66:2 69:18           | 22 22:24             | 71:16,21             | 4,5,6,12,            |
| 72:22                | 38:13 45:12          | 72:2,9,15            | 17,20,22,25          |
| <b>topic</b> 15:9    | 63:16 68:23          | 73:7 74:17           | <b>UNL</b> 81:16     |
| 18:19,24             | 84:6                 | 75:4 84:7            | <b>unlicensed</b>    |
| 30:9, 38:23          | <b>two-minute</b>    | <b>understand</b>    | 55:5,7,15            |
| 39:3                 | 26:12                | 8:1,7,9              | 59:8 81:12,          |
| <b>topics</b> 15:7,  | <b>type</b> 9:24     | 31:5 37:25           | 16                   |
| 14 16:1              | 45:9 47:24           | 49:6 51:5            | <b>unusual</b> 7:18  |
| 27:11 30:25          | 48:4 58:11           | 57:13 62:11          | <b>update</b> 35:21  |
| 62:11                | 60:5 64:2            | 66:2 82:19           | 81:5                 |
| <b>total</b> 77:24   | 82:16                | <b>understanding</b> | <b>updated</b> 35:25 |
| <b>touched</b> 27:11 | <b>types</b> 13:15,  | 11:19                | 56:13,14,            |
| 59:1                 | 21 14:24             | 14:17,20,21          | 16,22 60:25          |
| <b>track</b> 20:3    | 82:5,10,11,          | 15:2,20              | 61:2 80:13,          |
| <b>training</b>      | 12                   | 16:16 22:20          | 17                   |
| 32:18                | <b>typically</b>     | 37:11 39:5,          | <b>updates</b> 9:20  |
| <b>transaction</b>   | 7:19 64:20           | 18 40:1              | 80:18,19,            |
| 56:11                | <hr/> <b>U</b> <hr/> | 44:6                 | 20,22,25             |
| <b>transcript</b>    | <b>U-s-e</b> 28:14   | <b>understood</b>    | 81:1,6               |
| 7:22,23              | <b>U.S</b> 69:23     | 23:15 64:6           | <b>updating</b> 81:5 |
| <b>transmissions</b> | <b>U.S.</b> 3:16     | <b>unexpired</b>     | <b>users</b> 21:25   |
| 64:9                 | 6:15 35:12           | 75:17,22             | <hr/> <b>v</b> <hr/> |
| <b>treat</b> 30:2    | 37:17 39:24          | 76:1                 | <b>vague</b> 37:21   |
| <b>treated</b> 35:5  | 61:9 69:17,          | <b>unique</b> 70:20  | <b>valid</b> 44:22,  |
| <b>TSA</b> 62:24     | 25 75:11,16          | 72:23,               | 24,25 45:1,          |
| 63:3                 | 76:20 82:22          | 77:25 78:10          | 16 46:2,17           |
| <b>Tuesday</b> 2:11  | 83:3 84:6            | 83:6                 | 47:7, 63:21          |
| <b>turn</b> 11:6     | <b>Uh-huh</b> 66:13  | <b>United</b> 3:14   | <b>Validation</b>    |
| 35:11 36:4           | <b>undated</b> 35:8  | 67:23 68:17          | 26:2 31:13           |
| 67:5                 | <b>underline</b>     | 70:14 73:17          | 34:2                 |
| <b>turned</b> 56:20  | 84:10,11             | 74:24,25             | <b>values</b> 33:14  |
| <b>turning</b> 21:5, | <b>underneath</b>    | 83:19                | 48:21,23             |
|                      | 11:12                | <b>universe</b>      |                      |
|                      |                      | 76:24                |                      |
|                      |                      | <b>unknown</b> 59:2, |                      |

**STATE OF TEXAS VS. ERIC H. HOLDER, JR., ET AL.**  
**Germaine Mary Martinez on 04/17/2012**

**1:11-CV-00128**  
**Index: vendor..ZIP**

|               |               |               |
|---------------|---------------|---------------|
| 49:2 57:14    | Weaver 5:2    | written 28:2, |
| 63:18,19      | web 17:8      | 5 32:10,15,   |
| 65:16         |               | 17 33:20      |
| vendor 81:4   | West 2:15 4:3 | wrongly 8:4   |
| verbally 8:13 | Westfall 3:15 |               |
| verbatim      | 6:5 67:6,8,   | <u>Y</u>      |
| 13:3,5        | 9 68:8,21     |               |
| verbiage 25:6 | 69:15,21,24   | years 10:2,11 |
| verify 59:8   | 70:3 78:17,   | 20:1 60:14,   |
| 62:24 64:7    | 20 79:14,     | 18 76:19      |
| version 69:12 | 19,24 80:9,   | 78:8 79:10    |
|               | 12 82:9,14,   | York 3:11 4:8 |
|               | 18 83:24      | YOUNG 4:11    |
| versions      | White 30:4    |               |
| 28:22,25      | 31:18         | <u>Z</u>      |
| 29:1          | who've 29:20  |               |
| versus 7:10   | withdraw 51:3 | ZIP 41:17     |
| VICTOR 4:21   | Wonderful     | 74:12,17      |
| voluminous    | 67:15         |               |
| 20:25         | word 12:11    |               |
| VOTA 4:21     | 21:19 30:2,   |               |
| VOTER 4:21    | 3,4 31:16     |               |
| VOTERS 4:11   | 32:2,3        |               |
| Voting 3:16   | words 73:2    |               |
|               | 80:16         |               |
| <u>W</u>      | work 9:13,14, |               |
|               | 18,20         |               |
| Wait 8:23     | worked 10:7   |               |
| wanted 25:15  | 19:8,25       |               |
| 51:22 52:8,   | 78:6          |               |
| 12 55:9,10,   | write 19:12   |               |
| 65:15         | 32:1,5,6      |               |
| Washington    | writes 32:2   |               |
| 3:17 4:8,13   |               |               |